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**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

*Promoting the wise use of land  
Helping build great communities*

**PLANNING COMMISSION**

MEETING DATE April 27, 2006	CONTACT/PHONE Martha Neder, ACIP, Planner (805) 781-4576	APPLICANT Global Premier Development	FILE NO. DRC2005-00011
<b>SUBJECT</b> Request by Global Premier Development for a Conditional Use Permit to allow a 40 unit affordable housing project. The 40 affordable housing units (one of which is a manager's unit) includes three 3-story buildings and a two-story building which contains a recreation facility. The project will result in the disturbance of approximately 3 acres of a 3 acre parcel and approximately one half acre of an adjacent 3.85 acre parcel for road improvements. The proposed project is within the Residential Multi-Family land use category and is located on the north side of Grande Street (at 764 Grande Street), approximately 400 feet west of Blume Street, in the community of Nipomo. The site is in the South County Inland planning area.			
<b>RECOMMENDED ACTION</b> 1. Adopt the Mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Conditional Use Permit DRC2005-00011 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
<b>ENVIRONMENTAL DETERMINATION</b> The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on March 16, 2006 for this project. Mitigation measures are proposed to address: air quality and geology and soils and are included as conditions of approval.			
LAND USE CATEGORY Residential Multi-family	COMBINING DESIGNATION None applicable	ASSESSOR PARCEL NUMBER 092-130-043 & 044	SUPERVISOR DISTRICT(S) 4
<b>PLANNING AREA STANDARDS:</b> Right of way requirements, density limitations, site planning criteria			
<b>EXISTING USES:</b> Residential, Christmas tree farm			
<b>SURROUNDING LAND USE CATEGORIES AND USES:</b> <i>North:</i> Residential Multi-Family/Residential <i>East:</i> Residential Multi-Family/Vacant <i>South:</i> Residential Single Family/Residential <i>West:</i> Residential Single Family/Residential			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, Ag Commissioner, CDF, Nipomo Community Services District, Lucia Mar School District, APCD, RWQCB, CalTrans, Nipomo Community Advisory Council	
TOPOGRAPHY: Nearly level	VEGETATION: Grasses, Christmas trees
PROPOSED SERVICES: Water supply: Nipomo CSD Sewage Disposal: Nipomo CSD Fire Protection: CDF	ACCEPTANCE DATE: February 14, 2006

### PROJECT PROPOSAL

The proposed project is a 40-unit affordable housing project consisting of twenty 908 square foot two-bedroom apartments and twenty 1,058 square foot three-bedroom apartments. One of the units is a manager's unit. The overall density of the project is 13.3 units per acre on a three acre site.

The development includes a recreation building equipped with kitchen facilities, large screen TV, VHS tape player and DVD system, fireplace, lounge seating, and game tables. The recreation building includes room for computer-training classes and will be equipped with computers with on-line access. Also included are an exercise gym, central mailroom, and laundry room.

The project will be developed in one phase with an anticipated construction period of ten to twelve months.

The planned transportation network in the West Tefft Street Corridor Study of the Circulation Plan for the subject 3 acre parcel (092-130-043) shows approximately half of the site dedicated to roadways. Implementation of this planned transportation network without revision would have made the project infeasible. The applicant worked with Public Works and Planning and Building staff to form an alternative plan which achieved the goals of the West Tefft Street Corridor Study while accommodating the project. The applicant also purchased the neighboring 3.85 acre parcel (092-130-044) in order to alleviate constraints and provide more flexibility in design.

The applicant envisions a future affordable housing project on the neighboring 3.85 acre parcel. Any proposal for development of the neighboring site would be subject to the land use permit, development and environmental review process. However, in order to provide access to currently proposed development, a driveway is required to be constructed on the 3.85 acre parcel.

### Tax Credits

The proposed project has been awarded a preliminary reservation of state and federal tax credits by the California Tax Credit Allocation Committee (TCAC). TCAC administers two low-income housing tax credit programs -- a federal program and a state program. Both programs were authorized to encourage private investment in rental housing for low -and lower-income families and individuals.

The tax credit programs have a number of project requirements including that it must be rental housing, rents cannot exceed 30% of the imputed income, and initial incomes cannot exceed either 60% or 50% of the area median income, adjusted for household size.

The program also provides for long term affordability. Under federal law, credit projects must remain affordable for at least 15 years; however, California's program generally requires maintaining affordability for 55 years. Land use agreements are recorded against each credit project to ensure compliance.

The reservation of tax credits is only for this project. If the number or type of units changes, the project would lose the reserved tax credits and be at risk of becoming infeasible.

### **AFFORDABLE HOUSING**

Housing has become less affordable throughout the county. The median home price rose from \$475,610 in December 2004 to \$534,930 in December 2005. During that same period, according to the California Association of Realtors, the percentage of county households able to afford a median priced home within the county declined from 14 percent to 10 percent. For comparison, the percentage of households nationally that can afford a median priced home was 49 percent in December 2005. These statistics confirm that the supply of affordable housing in the county is inadequate.

Not enough affordable housing has been produced in recent years. According to the Regional Housing Needs Plan adopted by the San Luis Obispo Council of Governments, approximately 58 percent of all new housing built should be affordable housing. During the period of 2001 through 2005, of the 9,375 housing units built county-wide, only 1,897 (or 20 percent) were affordable. In the Nipomo area, of the 768 total housing units built during 2001 to 2005, only 220 were considered to be affordable at the time of construction (29 percent). 100 of these units do not have deed restrictions requiring them to remain affordable.

This lack of affordable housing is causing problems in the county:

- Businesses are closing or leaving the area
- Schools are closing
- Traffic congestion is increasing faster than population growth
- Families are under stress

The Housing Element of the County General Plan contains policies and programs to address this imbalance. Those most relevant when the County is considering affordable housing developments include the following:

Policies: (p 4-2, Housing Element of the County General Plan)

5. *The County will offer incentives to encourage the development of housing affordable to very low income, low income and moderate-income households.*
6. *The County will identify and eliminate or reduce regulatory barriers to development of housing to all income levels.*

Programs: (p 4-14, Housing Element of the County General Plan)

*Program HE 1.12: Facilitate Affordable Housing.*

*Purpose: The County will facilitate development of affordable housing by educating advisory committees on the benefits of affordable housing, making strong recommendations to approve applications for affordable housing developments, and by supporting the efforts of residents to form one or more advocacy groups.*

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### **GOVERNMENT CODE SECTION 65915 – Affordable Housing Density Bonus**

SB1818 amended the affordable housing density bonus law (Government code Section 65915) to allow for density bonuses up to 35%, to require localities to offer at least 1-3 incentives, and to limit parking requirements that localities may impose.

#### Density Bonus

The project is 100 percent affordable and therefore qualifies for the maximum density bonus allowed pursuant to Gov. Code Section 65915 of 35 percent. Pursuant to Planning Area Standards, the maximum allowable density is 10 units per acre. The 35 percent density bonus allows for 13.5 units per acre. The project complies with this allowed density bonus because it is 100 percent affordable and the density is 13.3 units per acre.

#### Concessions and Incentives

Three concessions or incentives are allowed for projects that include 30 percent of the total units as affordable. The county is required to grant the concession or incentive unless the county finds, based on substantial evidence, that:

- the concession or incentive is not required in order to provide for affordable housing; or
- the concession or incentive would have a specific adverse impact upon public health and safety, the physical environment, or on any real property listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.

The applicant is requesting the following three incentives or concessions:

1. Reduction in the required amount of private outdoor area.
2. Reduction in required parkway requirements.
3. Reduction in the required amount of open area.

The need for these concessions result from constraints related to the road requirements of the West Tefft Street Corridor Study. The purchase of the neighboring property helped alleviate these constraints by allowing more area to accommodate the planned transportation network. However, the project still is not able to meet the open space, private outdoor area, and parkway requirements. *Please see the Ordinance Compliance section below for a discussion of each of these requirements.*

#### Parking

Gov. Code Section 65915 limits the maximum number of parking spaces the county can require to two parking spaces for each two or three bedroom unit. The maximum number of parking spaces the county could require for the proposed 40 unit project is 80 spaces. The project complies with this limitation because it provides 80 parking spaces.

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## ORDINANCE COMPLIANCE

<u>Standard</u>	<u>Allowed/Required</u>	<u>Proposed</u>
Density (units/acre)	10 per Title 22, 13.5 with density bonus	13.3
Intensity	Medium	Medium
Setbacks (feet)		
Front	25	25
Side	5	5 (as conditioned)
Rear	n/a	n/a
Height (feet)	35	35
Parking (spaces)	80	80

### Private Outdoor Area

Pursuant to 22.112.080G(3)a, private outdoor space shall be provided with at least a 15-foot depth and width for ground floor units, and six-foot depth and 15-foot width for upstairs units. The proposed project consists of private outdoor space with an approximate 8-foot depth and 14-foot width for all units. The applicant states that due to the space needed for road requirements, accommodating more private outdoor space would make the project infeasible. Therefore, the applicant is requesting a concession to this standard pursuant to Government Code Section 65915. Staff recommends approval of this request as it will allow for the provision of a 100 percent affordable housing project (is required in order to provide for affordable housing) and the concession would not have a specific adverse impact upon public health and safety, the physical environment, or on any real property listed in the California Register of Historical Resources.

### Road Dedication – Parkway Requirements

An offer of dedication is required for parcels adjacent to public streets for an eight-foot parkway between the curb and sidewalk. The proposed project provides a 50 foot right-of-way which would accommodate two 12-foot travel lanes, two 8-foot parking lanes, and two 5-foot areas for curb and sidewalk. The applicant states that due to the space needed for road requirements, accommodating an additional 16 feet in the right-of-way for the parkway requirements would make the project infeasible. Therefore, the applicant is requesting a concession to this standard pursuant to Government Code Section 65915. Staff recommends approval of this request as it is required in order to provide affordable housing and the concession would not have a specific adverse impact upon public health and safety, the physical environment, or on any real property listed in the California Register of Historical Resources.

### Minimum Open Area

The minimum open area, including required setbacks and all areas of the site except buildings, parking aisles or driveways and parking spaces is 45 percent of the site area. 27 percent of the site area of the proposed project is open area. Again, applicant states that due to the space needed for road requirements, accommodating more open area would make the project infeasible. The applicant is requesting a concession to this standard pursuant to Government Code Section 65915. Staff recommends approval of this request as it is required in order to provide affordable housing and the concession would not have a specific adverse impact upon public health and safety, the physical environment, or on any real property listed in the California Register of Historical Resources.

#### Maximum Floor Area

The gross floor area of all residential structures, including upper stories, but not garages and carports is limited to 35 percent of the site area. The project conforms with this requirement as the gross floor area is approximately 39,500 square feet, 30 percent of the site area.

#### Active Recreation Area

Pursuant to Chapter 22.112.080G(3)b of the Land Use Ordinance, Common open space shall include at least one usable active recreation area with tables and benches, shade, playground equipment, and enclosed sheltered mail delivery point. Common open space areas shall total at least 2,800 square feet. The project provides this area in the form of a playground located near the recreation building. Further, the project provides a barbeque area near some of the units. The project is conditioned to provide an enclosed sheltered mail delivery point.

#### Landscaping

In accordance with Chapter 22.16 of the Land Use Ordinance, the applicant has submitted a preliminary landscape plan. Landscaping is provided in all setback areas and all areas of the site not identified as intended for a specific use or purpose. The landscaping relates to the architectural design elements of the structures on the site and will serve to reduce the apparent massing of the structures. A final landscaping plan is required prior to issuance of a grading or construction permit.

#### Fencing and Screening

Chapter 22.10.080 of the Land Use Ordinance requires all multi-family residential projects to be screened on all interior property lines unless specific identified characteristics of the site or site vicinity would make the required fencing or screening unnecessary or ineffective. The proposed project includes screening on all interior property lines except for the southern property line. Staff supports this modification because the applicant has purchased the neighboring 3.85 acre parcel to the south (092-130-044) in order to alleviate constraints and provide more flexibility in design and envisions a future affordable housing project. The open area on the southern side of the proposed project would connect with open area of a future development. Installing a fence along this property line would reduce the usability of this area.

#### **MAJOR ISSUES**

The project includes road improvements to implement the West Tefft Street Corridor Study of the Circulation Plan. The proposed project would extend Spruce Lane for ultimate connection with Hill Street, make provisions for the extension of Tanis Lane into Spruce/Hill extension and construct Tanis within project. The proposed project would also extend Bristlecone Lane across project for connection with Kelly Court. Hill Street and Kelly Court were extended as part of the Nipomo Apartment complex development fronting Blume Street to the east of the project site.

The continued development of Nipomo, including the proposed project, would increase the traffic demands on West Tefft Street, and the Highway 101 and Tefft Street interchange. Based on consultation with the Public Works Department, the Level of Service at the interchange would decrease to LOS F under the cumulative build-out scenario. The County has developed the South County Road Fee Program to collect fees to be used towards road improvement projects within Nipomo and South County, including future improvements to the Highway 101 and Tefft Street interchange. CalTrans strongly advocates the collection of a surcharge to the existing traffic impact fees from development.

The proposed project is located within the South County Fee Area. Prior to issuance of permits on the project site, the applicant would be required to contribute to the fee program. The fees contributed to this program would partially finance the implementation of improvements to the Highway 101 and Tefft Street interchange, and mitigate cumulative impacts resulting from future development.

COMMUNITY ADVISORY GROUP COMMENTS: On a motion of 6 in favor, 2 opposed, and 2 abstentions, the NCAC recommended denial of the project at this time because Nipomo does not have the infrastructure to support the proposed density. Specific impacts cited were traffic and water.

AGENCY REVIEW:

Public Works- "Install frontage improvements on Grande; 40' pavement section. Extend Spruce Lane across project for ultimate connection with Hill Street and make provisions for the extension of Tanis Lane into Spruce/Hill extension and construct Tanis within project. Extend Bristlecone Lane across project for ultimate connection with Kelly Court. Hill Street and Kelly Court were extended as part of the Nipomo Apartment complex development fronting Blume Street.

Due to existing congestion in the southwest quadrant of the Tefft Street Interchange, Transportation cannot support the project until a funding mechanism is developed to construct the proposed Tefft St/Hwy 101 Interchange Operational Improvements."

Environmental Health – Stock conditions for community water and sewer

Ag Commissioner- No concerns

CDF – See attached project review letter

Nipomo Community Services District – See attached intent to serve letter

APCD – See attached referral response letter

Cal Trans – See attached referral response letter. CalTrans strongly advocates the collection of a surcharge to the existing traffic impact fees from development.

LEGAL LOT STATUS:

The lot were legally created by a recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Martha Neder and reviewed by Kami Griffin

**FINDINGS - EXHIBIT A**

**Environmental Determination**

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on March 16, 2006 for this project. Mitigation measures are proposed to address air quality and geology and soils and are included as conditions of approval.

**Conditional Use Permit**

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the 40-unit affordable housing project does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the 40-unit affordable housing project will not conflict with the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Grande Ave, a road constructed to a level able to handle any additional traffic associated with the project.

**Government Code Section 65915**

- G. The concessions to the reduction in the required amount of private outdoor area, reduction in required parkway requirements, and reduction in the required amount of open area are appropriate pursuant to Government Code Section 65915 because they are required in order to provide affordable housing and would not have a specific adverse impact upon public health and safety, the physical environment, or on any real property listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.
- H. Pursuant to Government Code Section 65915, the applicant is entitled to a 35% density bonus because the proposed project is 100% affordable. Further, the granting of the density bonus is not to be interpreted to require a general plan amendment, zoning change, or other discretionary approval.



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Fencing and Screening

- I. Screening along the southern interior property line is not necessary or effective based on specific identified characteristics of the site or site vicinity because it would reduce the usability of open space that would be shared with a neighboring multi-family project.

**EXHIBIT B - CONDITIONS OF APPROVAL**

**Approved Development**

1. This approval authorizes
  - a. A 40 unit affordable housing project. The 40 affordable housing units (one of which is a manager's unit) includes three 3-story buildings and a two-story building which contains a recreation facility. The project will result in the disturbance of approximately 3 acres of a 3 acre parcel and approximately one half acre of an adjacent 3.85 acre parcel for road improvements.
  - b. Maximum height is 35 feet from average natural grade.
  - c. Reduction in the required amount of private outdoor area, reduction in required parkway requirements, and reduction in the required amount of open area as follows:
    - private outdoor space with an approximate 8-foot depth and 14-foot width for all units
    - waiver of the parkway requirements
    - 27 percent open area

**Conditions required to be completed at the time of application for construction permits**

***Site Development***

2. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved site plan, floor plan, architectural elevations and landscape plan. The plans shall show consistency with Chapter 22.10.140(E) by providing a five foot side setback or reducing the carport height to 12 feet.
3. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

***Fire Safety***

4. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the CDF/County Fire Department for this proposed project and dated November 7, 2005.

**Conditions to be completed prior to issuance of a construction permit**

***Services***

5. **Prior to issuance of building permits**, the applicant shall submit a final "will-serve" letter from the Nipomo Community Services District to the Department of Planning and Building and the Environmental Health Division.

6. **Prior to issuance of building permits**, construction plans shall include indoor water conservation measures including: low water-use toilets, showerheads, and faucets; automatic shut-off devices for bathroom and kitchen faucets; and point-of-use supplemental water heater systems or circulating hot water systems in bathrooms and kitchen. Landscape plans for the proposed parcels must include outdoor conservation measures including: limited landscape area, low water-use plant materials, limited turf area, soil moisture sensors, and drip irrigation systems.

#### **Air Quality**

7. **Prior to issuance of grading and construction permits**, the applicant shall submit the results of a geologic evaluation conducted to determine if naturally occurring asbestos is present within the area proposed for disturbance. If naturally occurring asbestos is not present, an exemption request shall be filed with the APCD. If naturally occurring asbestos is present, the applicant shall comply with all requirements outlined in the Asbestos Air Toxics Control Measure (ATCM). Compliance may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for APCD approval.
8. **Prior to issuance of grading and construction permits**, the applicant shall submit verification from APCD that the following measures have been incorporated into the project to control dust:
- Reduce the amount of the disturbed area where possible;
  - Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
  - All dirt stock-pile areas should be sprayed daily as needed; and
  - All roadways, driveways, sidewalks, etc to be paved should be completed as soon as possible, and building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
9. **Prior to issuance of construction or grading permits**, the applicant shall submit a copy of the approved Stormwater Pollution Prevention Plan (SWPPP).

#### **Fees**

10. **Prior to issuance of construction permits**, the applicant shall pay applicable South County Road Improvement fees.
11. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

#### **Affordable Housing**

12. All residential units in the project shall be retained as affordable rental units for low and very low income households, pursuant to LUO Section 22.12.070. **Prior to issuance of any project construction or grading permits**, the project owner shall enter into a recorded agreement with the County to assure the provision of the affordable units. Said agreement shall be acceptable to County Counsel.

**Conditions to be completed prior to occupancy or final building inspection /establishment of the use**

13. Landscaping in accordance with the approved landscaping plan shall be installed or bonded for **before final building inspection**. If bonded for, landscaping shall be installed within 60 days after final building inspection. All landscaping shall be maintained in a viable condition in perpetuity.
14. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.
15. **Prior to final inspection**, for structures where the pipe from the hot water heater to any faucet is greater than 20 feet in length, apply one or more of the following: 1) install a hot water pipe circulating system for entire structure; 2) install "point-of-use" water heater "boosters" near all hot water faucets (that are greater than 20 linear pipe feet from water heater), or 3) use the narrowest pipe possible (e.g., from 1" to ½" diameter). Prior to permit issuance, the measure(s) to be used shall be shown on all applicable plumbing plans.
16. **Prior to final inspection**, the applicant agrees to construct road improvements as required by the Department of Public Works (Extend Spruce Lane across project for ultimate connection with Hill Street and make provisions for the extension of Tanis Lane into Spruce/Hill extension and construct Tanis within project. Extend Bristlecone Lane across project for ultimate connection with Kelly Court. Hill Street and Kelly Court were extended as part of the Nipomo Apartment complex development fronting Blume Street.). Utilities shall be underground. Drainage plan will be included with improvement plans when submitted for review.
17. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

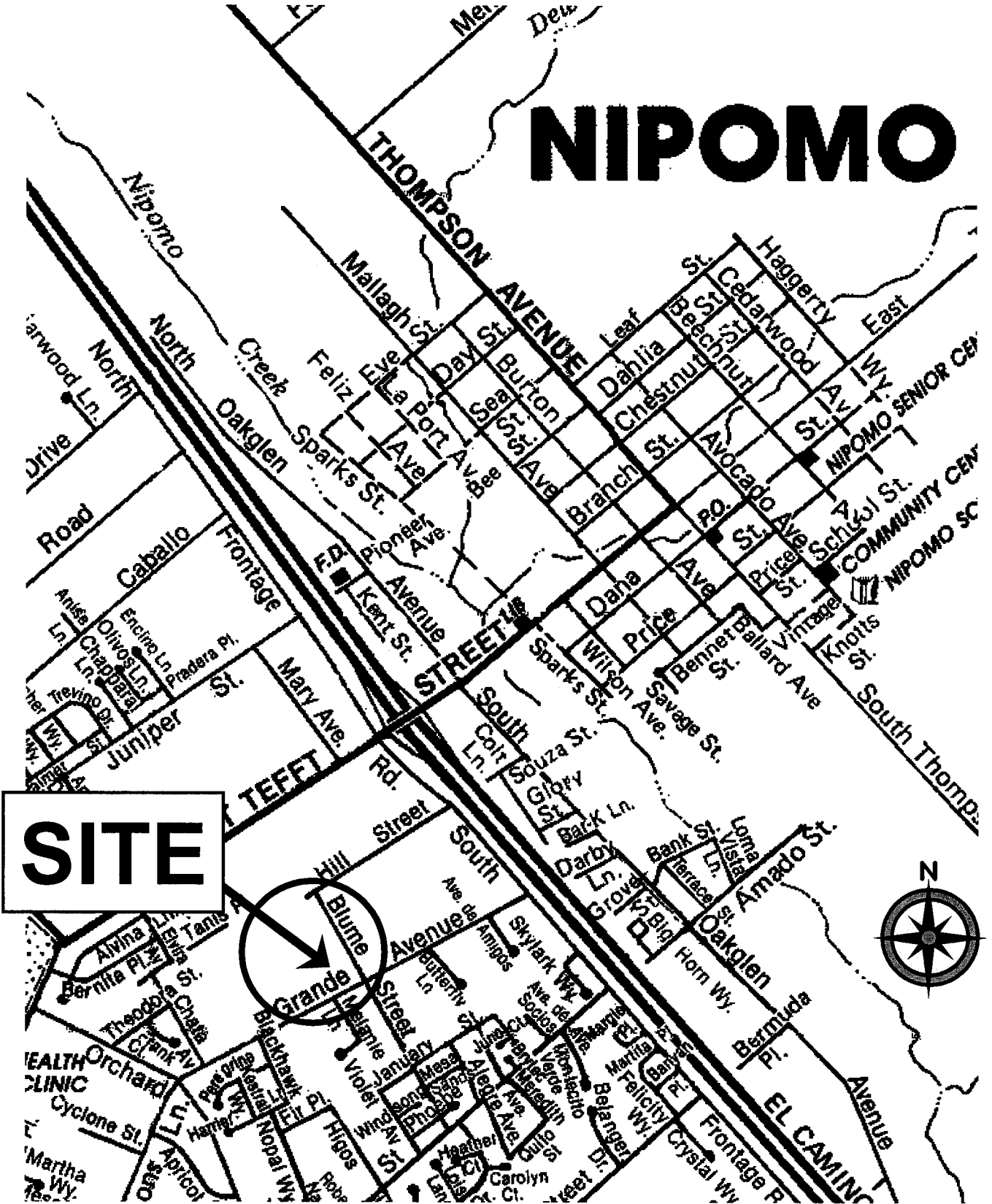
**On-going conditions of approval (valid for the life of the project)**

18. If utility pipelines are scheduled for removal or relocation; or building(s) are removed or renovated this project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M – asbestos NESHAP).
19. In the event no technically feasible alternatives are available other than developmental burning, the applicant shall contact the APCD and California Department of Forestry to obtain a burn permit and comply with permit requirements.
20. Only APCD approved wood burning devices can be installed in new dwelling units.
21. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.

22. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.

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# NIPOMO



**SITE**

**PROJECT**

Conditional Use Permit  
Global Premier DRC2005-00011



**EXHIBIT**

Nipomo Vicinity



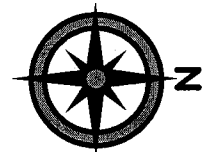
## PROJECT

Conditional Use Permit  
Global Premier DRC2005-00011



**EXHIBIT**

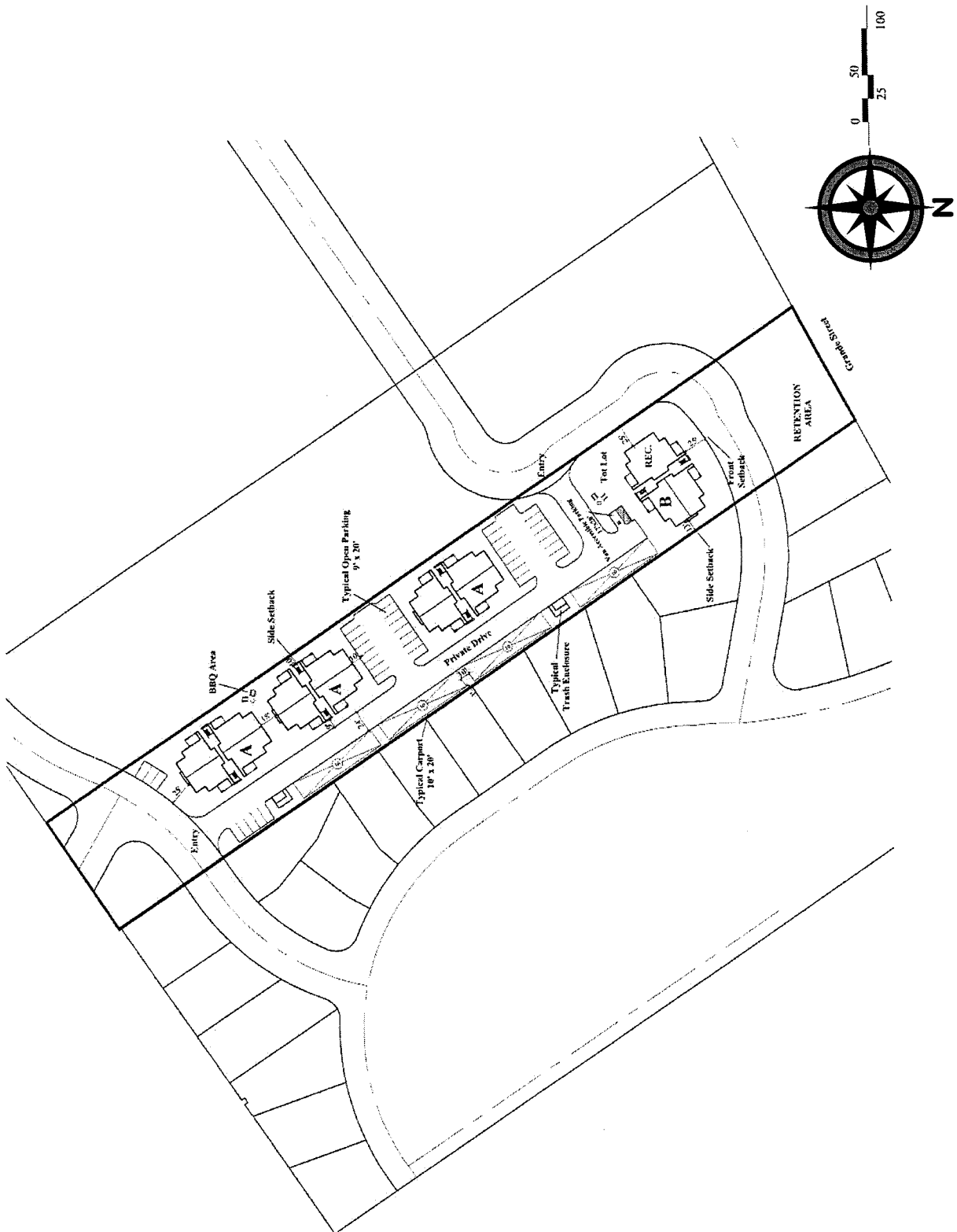
### Land Use Category



## Landscape Plan



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**PROJECT**

Conditional Use Permit  
Global Premier DRC2005-00011

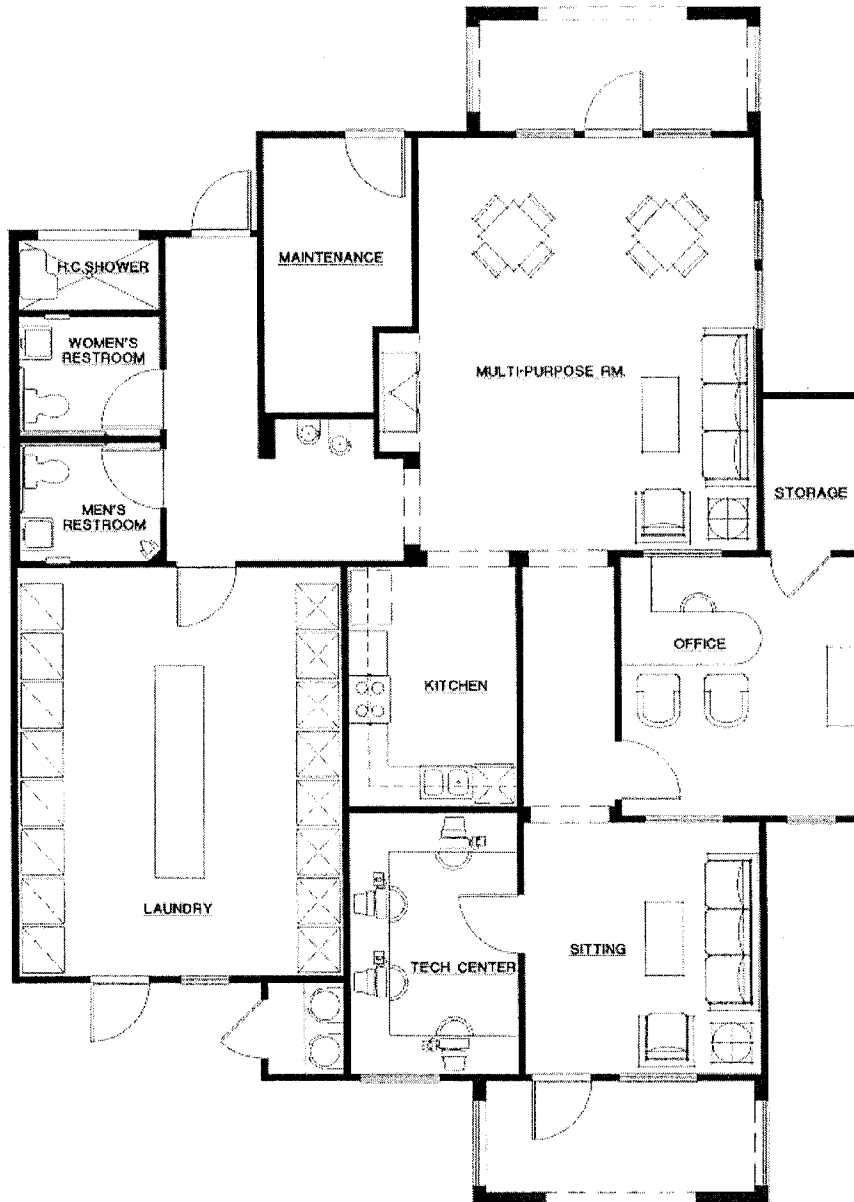


**EXHIBIT**

Site Plan

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SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

Conditional Use Permit  
Global Premier DRC2005-00011

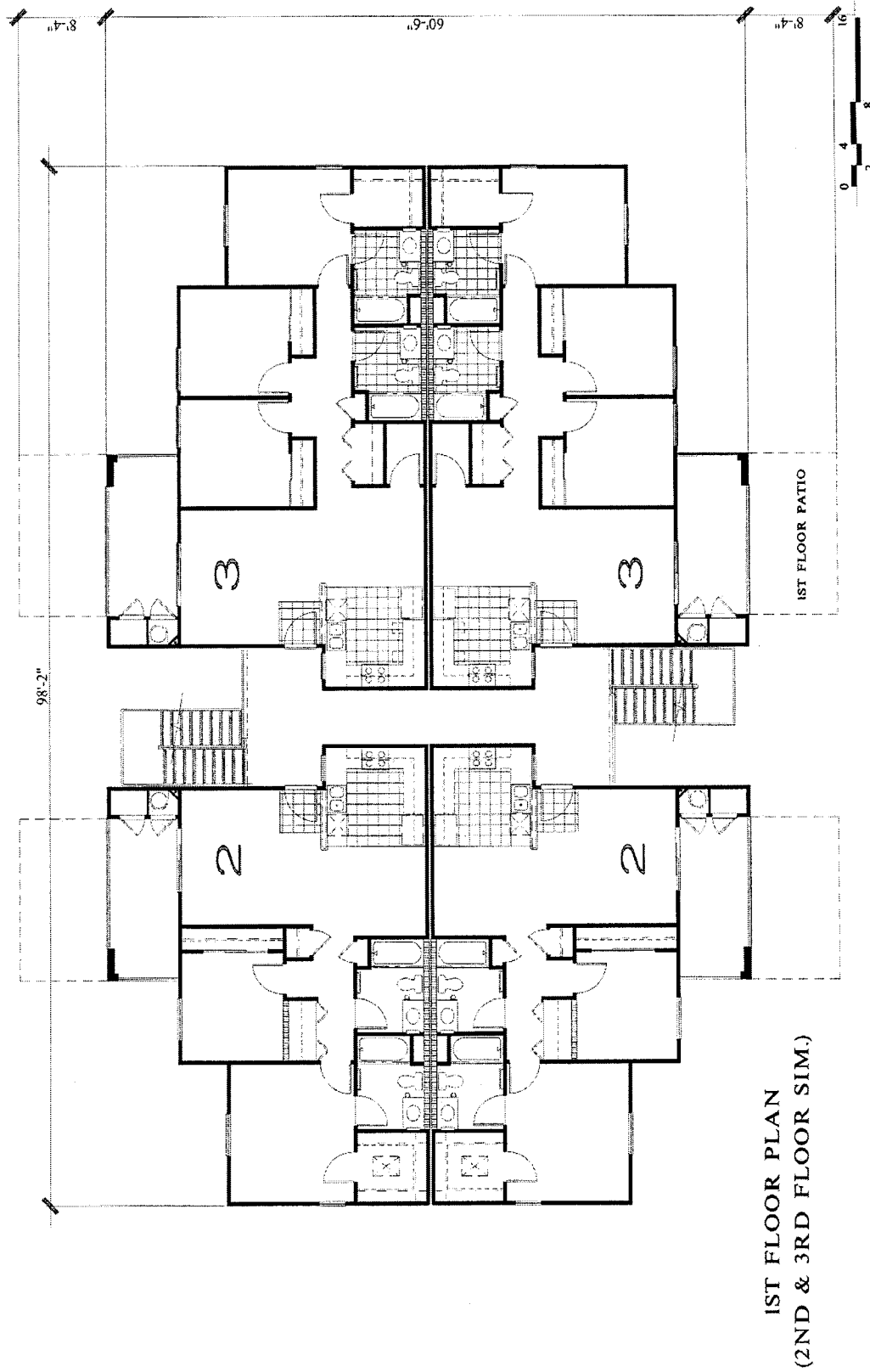


EXHIBIT

Recreation Facility Floor Plan

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SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

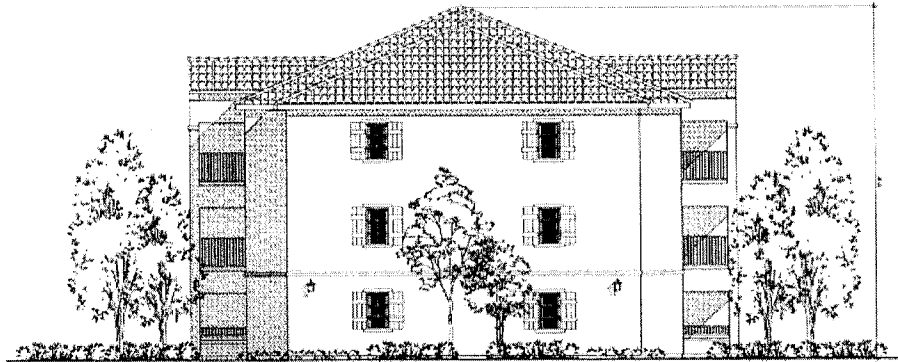
Conditional Use Permit  
Global Premier DRC2005-00011



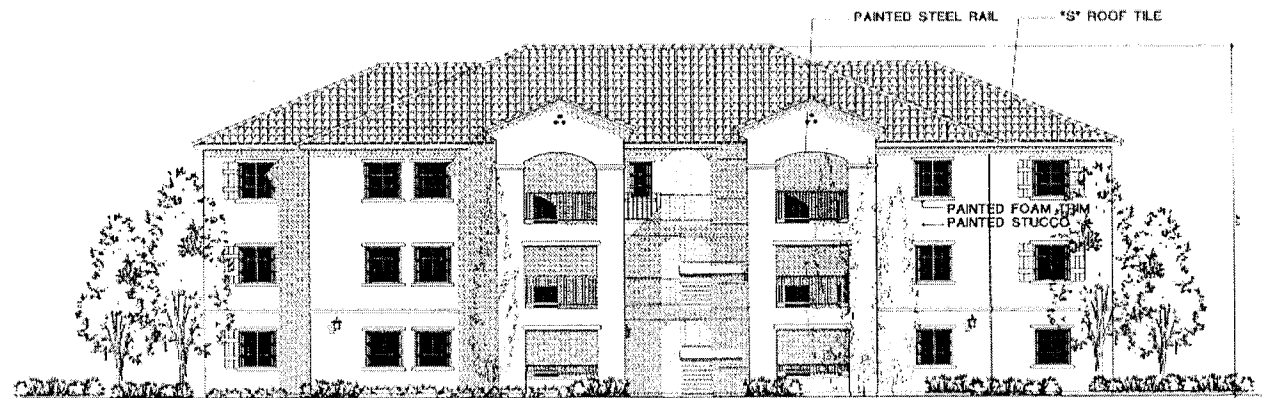
EXHIBIT

Unit Floor Plan

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SIDE ELEVATION



FRONT AND REAR ELEVATION

**PROJECT**

Conditional Use Permit  
Global Premier DRC2005-00011



**EXHIBIT**

Elevation

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# COUNTY OF SAN LUIS OBISPO

FOR OFFICIAL USE ONLY (MN)

## MITIGATED NEGATIVE DECLARATION & NOTICE OF DETERMINATION

ENVIRONMENTAL DETERMINATION NO. ED05-074

DATE: March 16, 2006

PROJECT/ENTITLEMENT: Global Premier Conditional Use Permit DRC2005-00011

APPLICANT NAME: Global Premier Development

ADDRESS: 5 Park Plaza Suite 980; Irvine, CA 92614

CONTACT PERSON: Wayne Deitz @ Global Premier Development Telephone: 949-722-8000

**PROPOSED USES/INTENT:** Request by Global Premier Development to allow for the establishment of a 40-unit affordable housing project consisting of three 3-story buildings and one 2-story building (which includes a recreation facility). This development will result in the disturbance of the entire 3-acre parcel, and approximately 1/2 acre of an adjacent parcel for road improvements.

**LOCATION:** The project is located on the north side of Grande Street (at 764 Grande Street), approximately 400 feet west of Blume Street, in the community of Nipomo. The site is in the South County Inland planning area.

**LEAD AGENCY:** County of San Luis Obispo Department of Planning & Building  
County Government Center, Rm. 310  
San Luis Obispo, CA 93408-2040

**OTHER POTENTIAL PERMITTING AGENCIES:** None

**ADDITIONAL INFORMATION:** Additional information pertaining to this environmental determination may be obtained by contacting the above Lead Agency address or (805) 781-5600.

**COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT** ..... 5 p.m. on March 30, 2006

**20-DAY PUBLIC REVIEW PERIOD begins at the time of public notification**

### Notice of Determination

State Clearinghouse No.

This is to advise that the San Luis Obispo County \_\_\_\_\_ as ☐ Lead Agency  
☐ Responsible Agency approved/denied the above described project on \_\_\_\_\_, and has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures were made a condition of the approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at:

Department of Planning and Building, County of San Luis Obispo,  
County Government Center, Room 310, San Luis Obispo, CA 93408-2040

Martha Neder

County of San Luis Obispo

Signature

Project Manager Name

Date

Public Agency



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**San Luis Obispo County**  
**Department of Planning and Building**  
***environmental division***

**ENVIRONMENTAL DOCUMENT FILING FEE FORM**

NOTICE: During environmental review, this project required consultation, review or development of mitigation measures by the California Department of Fish and Game. Therefore, the applicants will be assessed user fees pursuant to section 711.4 of the California Fish and Game Code.. The California Environmental Quality Act (Section 21089) provides that this project is not operative, vested or final until the filing fees are paid.

Lead Agency: County of San Luis Obispo

Date: March 16, 2006

County: San Luis Obispo

Project No. DRC2005-00011

Project Title: Global Premier Conditional Use Permit

**Project Applicant**

Name: Global Premier Development

Address: 5 Park Plaza Suite 980

City, State, Zip Code: Irvine, CA 92614

Telephone #: 949-722-8000

Please remit the following amount to the **County Clerk-Recorder:**

( ) Environmental Impact Report	\$ 850.00
(X) Negative Declaration	\$ 1250.00
(X) County Clerk's Fee	\$ <u>25.00</u>
<b>Total amount due:</b>	<b>1275.00</b>

**AMOUNT ENCLOSED:** \_\_\_\_\_

Checks should be made out to the "**County of San Luis Obispo**". Payment must be received by the County Clerk, 1055 Monterey Street, Room D-120, San Luis Obispo, CA 93408-2040, within two days of project approval.

**NOTE:** Filing of the Notice of Determination for the attached environmental document requires a filing fee in the amount specified above. If the fee is not paid, the Notice of Determination cannot be filed.

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**COUNTY OF SAN LUIS OBISPO  
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST**

**Project Title & No.** Global Premier Conditional Use Permit DRC2005-00011 ED  
05-074

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:** The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

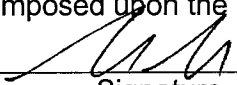
<input type="checkbox"/> Aesthetics	<input checked="" type="checkbox"/> Geology and Soils	<input type="checkbox"/> Recreation
<input type="checkbox"/> Agricultural Resources	<input type="checkbox"/> Hazards/Hazardous Materials	<input checked="" type="checkbox"/> Transportation/Circulation
<input checked="" type="checkbox"/> Air Quality	<input type="checkbox"/> Noise	<input type="checkbox"/> Wastewater
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Population/Housing	<input checked="" type="checkbox"/> Water
<input type="checkbox"/> Cultural Resources	<input checked="" type="checkbox"/> Public Services/Utilities	<input type="checkbox"/> Land Use

**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Martha Neder  
Prepared by (Print)

  
Signature

3/7/06  
Date

Jeff Oliveira  
Reviewed by (Print)

  
Signature

Ellen Carroll,  
Environmental Coordinator  
(for)

3/7/06  
Date

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### **Project Environmental Analysis**

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 310, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

### **A. PROJECT**

**DESCRIPTION:** Request by Global Premier Development for a Conditional Use Permit to allow a 40 unit affordable housing project. The 40 affordable housing units (one of which is a manager's unit) includes three 3-story buildings and two-story building which contains a recreation facility. The project will result in the disturbance of approximately 3 acres of a 3 acre parcel and approximately one half acre of an adjacent 3.85 acre parcel for road improvements. The proposed project is within the Residential Multi-family land use category and is located on the north side of Grande Street (at 764 Grande Street), approximately 400 feet west of Blume Street, in the community of Nipomo. The site is in the South County Inland planning area.

**ASSESSOR PARCEL NUMBER(S):** 092-130-043 & 044

**SUPERVISORIAL DISTRICT #** 4

### **B. EXISTING SETTING**

**PLANNING AREA:** South County (Inland), Nipomo

**LAND USE CATEGORY:** Residential Multi-Family

**COMBINING DESIGNATION(S):** None

**EXISTING USES:** Residence , Christmas tree farm

**TOPOGRAPHY:** Nearly level

**VEGETATION:** Grasses Christmas trees

**PARCEL SIZE:** 3 acres and 3.85 acres

**SURROUNDING LAND USE CATEGORIES AND USES:**

<i>North:</i> Residential Multi-Family; residential	<i>East:</i> Residential Multi-Family; undeveloped
<i>South:</i> Residential Single Family; residential	<i>West:</i> Residential Single Family; residential



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**C. ENVIRONMENTAL ANALYSIS**

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

**COUNTY OF SAN LUIS OBISPO  
INITIAL STUDY CHECKLIST**

1.	<b>AESTHETICS - Will the project:</b>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	<b>Create an aesthetically incompatible site open to public view?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	<b>Introduce a use within a scenic view open to public view?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	<b>Change the visual character of an area?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	<b>Create glare or night lighting, which may affect surrounding areas?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	<b>Impact unique geological or physical features?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f)	<b>Other: _____</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project will not be visible from any major public roadway or silhouette against any ridgelines as viewed from public roadways. The project will be visible from Grande Avenue, a public road. The site is located in an area of Nipomo that contains a mix of single-family residential and multi-family residential uses. Both one and two story structures are common. There is currently an existing one-story home, a barn, and a mobile home on the project site. They will be demolished prior to construction of the proposed development. The site is not visible from the Highway 101.

The proposed project consists of three three-story buildings, one building of which half is one-story and the other half is two-story, carports, parking areas, play/barbeque areas, and open areas. The proposed elevations, color schemes, and landscaping plan will reduce any potential visual impacts.

**Impact.** The project meets all applicable design guidelines for multi-family residential structures. It will be similar in design and color scheme to other recent developments in the Nipomo area. It is considered compatible with the surrounding uses.

No significant visual impacts are expected to occur.

**Mitigation/Conclusion.** No mitigation measures are necessary.

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## 2. AGRICULTURAL RESOURCES

- Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Convert prime agricultural land to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Impair agricultural use of other property or result in conversion to other uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with existing zoning or Williamson Act program?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The soil types include: Oceano Sand (0-9% slope). As described in the Natural Resource Conservation Service Soil Survey, the "non-irrigated" soil class is "VI", and the "irrigated" soil class is "IV". There is a Christmas tree farm on the property.

**Impact.** The project is located in a predominantly non-agricultural area. No significant impacts to agricultural resources are anticipated.

**Mitigation/Conclusion.** No mitigation measures are necessary.

## 3. AIR QUALITY - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Expose any sensitive receptor to substantial air pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Create or subject individuals to objectionable odors?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be inconsistent with the District's Clean Air Plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The Air Pollution Control District (APCD) has developed the CEQA Air Quality Handbook to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by APCD).

**Impact.** As proposed, the project will result in the disturbance of approximately 3.5 acres. This will result in the creation of construction dust, as well as short- and long-term vehicle emissions. The project is consistent with the Clean Air Plan.

The proposed project was referred to the APCD for review and determination of any air quality impacts potentially resulting from the proposed project. The APCD commends the applicant on several elements of project design:

- development within URL where such development is planned and expected;
- buildings with a greater floor to area ratio creating higher densities and making transit services more viable and effective;
- development consistent with surrounding land uses consistent with the Clean Air Plan;
- and selection of building construction designed to utilize materials that will increase energy efficiency above the Title 24 energy standards.

Air quality impacts during construction include the generation of fugitive dust, potential release of asbestos, and particulate emissions resulting from the developmental burning of vegetative material (Alexander Bugrov; September 21, 2005).

**Asbestos.** Asbestos is considered a toxic air contaminant by the State Air Resources Board. If naturally occurring asbestos is present within the soil underlying the project site or relocated utility lines, future grading activities would release the asbestos into the air, resulting in a potentially significant air quality impact.

**Developmental Burning.** On February 25, 2000, the APCD prohibited developmental burning of vegetative material within San Luis Obispo County; however, in certain situations where no technically feasible alternative is available, limited burning may be allowed. Unregulated burning would result in a potentially significant air quality impact.

**Fugitive Dust (PM10).** The project will not likely exceed the APCD's CEQA significance threshold for construction phase emissions. However, construction activities can generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the construction site.

The project, along with numerous other similar projects in the area will contribute to a cumulative overall impact to air quality.

**Mitigation/Conclusion.** APCD-recommended measures to reduce potentially significant air quality impacts to insignificant levels include determination of asbestos presence, burning restrictions, implementation of dust control measures, and wood burning device approval. The proposed project is located within the South County Air Quality Mitigation Fee Area, which funds areawide improvements to decrease emissions. Prior to issuance of permits on the project site, the applicant would be required to contribute to the fee program. Based on the above discussion and implementation of mitigation measures and payment of fees in accordance with the South County Air Quality Mitigation Fee, air quality impacts would be reduced to less than significant.

#### 4. BIOLOGICAL RESOURCES - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a loss of unique or special status species or their habitats?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce the extent, diversity or quality of native or other important vegetation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Impact wetland or riparian habitat?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Introduce barriers to movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The following habitats were observed on the proposed project: Grasses Based on the latest California Diversity database and other biological references, the following species or sensitive habitats were identified:

The project site occurs within a region identified as potential vernal pool habitat. Vernal pool habitat consists of seasonal wetlands (i.e. areas that pond water during the wet season and dry up during the summer months) Vernal pool habitat consists of seasonal wetlands (i.e. areas that pond water during the wet season and dry up during the summer months) that may provide habitat for sensitive aquatic plant and animal species. The project site occurs within the Santa Barbara Vernal Pool Region designated by the California Department of Fish and Game.

Plants: sand mesa manzanita (*Arctostaphylos rudis*) app. 0.5 miles west of the property, 0.5 miles northwest of the property, and 1.0 mile north of the property

Wildlife: None

Habitats: No information available

**Impact.** A site visit of the project site was made by Jason Dart of Althouse and Meade on December 5, 2005 to identify the potential for vernal pool habitat and conduct a Vernal Pool Site Assessment (Althouse and Meade; December 12, 2005). At this time, no evidence of vernal pools or potential areas for ponded water was observed. No vernal pool habitats were found on the property. The topography on the property is not conducive to vernal pool formation as there are no natural depressions on the property that support vernal pools, Christmas tree cultivation on the parcel has altered natural contours, and the mild to moderate slopes on the property do not allow formation of any pools except for near the residence along Grande Stree. These disturbed areas near the home may collect small puddles of water during storm events, but are not expected to hold water for more than a few days. Soils are very sandy with a rapid infiltration rate. No wetland conditions or facultative wetland plants were observed on the site. The CNDDDB does not have any reports of rare vernal pool species within five miles of the project site. The project site does not support any sensitive native vegetation, significant wildlife habitats, or special status species.

**Mitigation/Conclusion.** No significant biological impacts are expected to occur, and no mitigation measures are necessary.

5. CULTURAL RESOURCES - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Disturb pre-historic resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Disturb historic resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Disturb paleontological resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project is located in an area historically occupied by the Obispeno Chumash. A house and a barn appear to date from before the 1960s and have the potential to be considered historic. Both structures have been heavily modified since their original construction. No paleontological resources are known to exist in the area.

**Impact.** A Phase I (surface) survey was conducted (C.A. Singer and Associates; September 21, 2005). No evidence of cultural materials was noted on the property. A historical structure evaluation was conducted (CRMS; January 12, 2006). Neither structure on the property is of sufficient age to be considered a significant cultural resource. The integrity of their qualities of feeling and association with the period of construction has been degraded. Neither building is associated with an individual or event of local, state, or national significance. Neither building is a particularly good example of architecture or lifeways of the time of their construction. Impacts to paleontological resources are not expected.

**Mitigation/Conclusion.** No significant cultural resource impacts are expected to occur, and no mitigation measures are necessary.

6. GEOLOGY AND SOILS - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be within a California Geological Survey "Alquist-Priolo Earthquake Fault Zone"?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

6. GEOLOGY AND SOILS - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
d) <i>Change rates of soil absorption, or amount or direction of surface runoff?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <i>Include structures located on expansive soils?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Involve activities within the 100-year flood zone?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Preclude the future extraction of valuable mineral resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** GEOLOGY - The topography of the project is nearly level. The area proposed for development is outside of the Geologic Study Area designation. The landslide risk potential is not known. The liquefaction potential during a ground-shaking event is not known. Active faulting is known to exist near the subject property app. 0.8 miles to the northeast. The project is not within a known area containing serpentine or ultramafic rock or soils.

**DRAINAGE** – The area proposed for development is outside the 100-year Flood Hazard designation. The closest creek (Nipomo Creek) from the proposed development is approximately 0.8 miles to the northeast. As described in the Natural Resource Conservation Service Soil Survey, the soil is considered well drained. For areas where drainage is identified as a potential issue, the LUO (Sec. 22.52.080) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins, or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

**SEDIMENTATION AND EROSION** – The soil types include: Oceano Sand (0-9% slope). As described in the NRCS Soil Survey, the soil surface is considered to have low erodibility and low shrink-swell characteristics.

When highly erosive conditions exist, a sedimentation and erosion control plan is required (LUO Sec. 22.52.090) to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local extension who monitors this program.

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**Impact.** As proposed, the project will result in the disturbance of approximately 3.5 acres. Due to the potential presence of asbestos, the applicant will be required to conduct a geologic investigation for naturally occurring asbestos on the project site. In addition, the applicant is required to prepare a SWPPP and a Sedimentation and Erosion Control plan as specified in section 22.05.034 of the County Land Use Ordinance prior to issuance of permits (refer to Exhibit B). Implementation of these measures would reduce impacts to less than significant and no additional mitigation is required.

**Mitigation/Conclusion.** Mitigation measures for asbestos, preparation of a SWPPP, and submittal of materials required by ordinance or codes will mitigate impacts to geological resources to a level of insignificance.

**7. HAZARDS & HAZARDOUS MATERIALS - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Interfere with an emergency response or evacuation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Expose people to safety risk associated with airport flight pattern?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Increase fire hazard risk or expose people or structures to high fire hazard conditions?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Create any other health hazard or potential hazard?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project is not located in an area of known hazardous material contamination. The project is within a high severity risk area for fire. The project is not within the Airport Review area.

**Impact.** The project does not propose the use of hazardous materials. The project does not present a significant fire safety risk. The project is not expected to conflict with any regional evacuation plan.

**Mitigation/Conclusion.** No significant impacts as a result of hazards or hazardous materials are anticipated, and no mitigation measures are necessary.

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8. NOISE - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Expose people to noise levels that exceed the County Noise Element thresholds?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Generate increases in the ambient noise levels for adjoining areas?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Expose people to severe noise or vibration?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project is not within close proximity of loud noise sources, and will not conflict with any sensitive noise receptors (e.g., residences). Based on the Noise Element's projected future noise generation from known stationary and vehicle-generated noise sources, the project is within an acceptable threshold area.

**Impact.** The project is not expected to generate loud noises, nor conflict with the surrounding uses.

**Mitigation/Conclusion.** No significant noise impacts are anticipated, and no mitigation measures are necessary.

9. POPULATION/HOUSING - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Displace existing housing or people, requiring construction of replacement housing elsewhere?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create the need for substantial new housing in the area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Use substantial amount of fuel or energy?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting** In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG)



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program, which provides limited financing to projects relating to affordable housing throughout the county.

**Impact.** The project will not result in a need for a significant amount of new housing, and will not displace existing housing. The project is providing 40 affordable housing units.

**Mitigation/Conclusion.** No significant population and housing impacts are anticipated, and no mitigation measures are necessary.

**10. PUBLIC SERVICES/UTILITIES -**  
*Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Fire protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Police protection (e.g., Sheriff, CHP)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Roads?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Solid Wastes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project area is served by the County Sheriff's Department and CDF/County Fire as the primary emergency responders. The closest CDF fire station (Nipomo Station 20) is approximately 1.4 miles to the north. The closest Sheriff substation is in Oceano, which is approximately 11 miles from the proposed project. The project is located in the Lucia Mar Unified School District.

**Impact.** The project's direct and cumulative impacts are within the general assumptions of allowed use for the subject property that was used to estimate the fees in place.

**Mitigation/Conclusion.** Public facility (county) and school (State Government Code 65995 et seq) fee programs have been adopted to address the project's direct and cumulative impacts, and will reduce the impacts to less than significant levels.

**11. RECREATION - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Increase the use or demand for parks or other recreation opportunities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Affect the access to trails, parks or other recreation opportunities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The County Trails Plan shows that a potential trail does not go through the proposed project. The project is not proposed in a location that will affect any trail, park or other recreational resource.

**Impact.** The proposed project will not create a significant need for additional park or recreational resources.

**Mitigation/Conclusion.** No significant recreation impacts are anticipated, and no mitigation measures are necessary.

## 12. TRANSPORTATION/ CIRCULATION - *Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase vehicle trips to local or areawide circulation system?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce existing "Levels of Service" on public roadway(s)?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Provide for adequate emergency access?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Result in inadequate parking capacity?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Result in inadequate internal traffic circulation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Result in a change in air traffic patterns that may result in substantial safety risks?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** Future development will access onto the following public road(s): Bristlecone Lane and Spruce Lane. The proposed project would extend Spruce Lane for ultimate connection with Hill Street, make provisions for the extension of Tanis Lane into Spruce/Hill extension and construct Tanis within the project. The proposed project would also extend Bristlecone Lane across project for connection with Kelly Court. Hill Street and Kelly Court were extended as part of the Nipomo Apartment complex development fronting Blume Street to the east of the project site. The identified roadways are operating at acceptable levels. Referrals were sent to Public Works and Caltrans.

**Impact.** The proposed project is estimated to generate about 400 trips per day, based on the Institute

of Traffic Engineer's manual of 10/unit. The project includes road improvements to implement the West Tefft Street Corridor Study of the Circulation Plan. The continued development of Nipomo, including the proposed project, would increase the traffic demands on West Tefft Street, and the Highway 101 and Tefft Street interchange. Based on consultation with the Public Works Department, the Level of Service at the interchange would decrease to LOS F under the cumulative build-out scenario. The County has developed the South County Road Fee Program to collect fees to be used towards road improvement projects within Nipomo and South County, including future improvements to the Highway 101 and Tefft Street interchange. CalTrans strongly advocates the collection of a surcharge to the existing traffic impact fees from development.

**Mitigation/Conclusion.** The proposed project is located within the South County Fee Area. Prior to issuance of permits on the project site, the applicant would be required to contribute to the fee program. The fees contributed to this program would partially finance the implementation of improvements to the Highway 101 and Tefft Street interchange, and mitigate cumulative impacts resulting from future development. Payment of these fees and implementation of mitigation measures for road improvements will mitigate impacts to transportation/circulation to a level of insignificance.

13. WASTEWATER - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Change the quality of surface or ground water (e.g., nitrogen-loading, daylighting)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Adversely affect community wastewater service provider?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** As described in the NRCS Soil Survey (see Geology section for soil types), the main limitations for on-site wastewater systems relates to: poor filtering characteristics.

**Impact.** The project proposes to use a community system (NCSD) as its means to dispose of wastewater. The proposed community system has the capacity to handle the project's additional effluent.

**Mitigation/Conclusion.** Given that the system is currently operating at acceptable levels and that it has the capacity to support existing commitments in addition to the proposed project, no mitigation measures are necessary.

14. WATER - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate any water quality standards?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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14. WATER - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
b) Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Change the quantity or movement of available surface or ground water?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Adversely affect community water service provider?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project proposes to use a community system, Nipomo Community Services District (NCSD), as its water source. The NCSD pumps water from the Santa Maria groundwater basin, which is made up of three interconnected sub areas (Tri-Cities, Nipomo Mesa, Santa Maria).

The topography of the project is nearly level. The closest creek (Nipomo Creek) from the proposed development is approximately 0.8 miles away. As described in the NRCS Soil Survey, the soil surface is considered to have low erodibility.

**Impact.** As proposed, the project will result in the disturbance of approximately 3.5 acres. Based on the project description, as shown below, a reasonable "worst case" indoor water usage would likely be about 9.6 acre feet/year (AFY)

$$40 \text{ residential units} \times 0.24 \text{ afy} = 9.6 \text{ afy}$$

Source: "City of Santa Barbara Water Demand Factor & Conservation Study "User Guide" (Aug., 1989)

Based on the most recent comprehensive study completed for this basin (State Department of Water Resources, "Water Resources of the Arroyo Grande-Nipomo Mesa Area", 2002), while extractions will increase above current levels over the next twenty years, the study concludes that "Supplies appear adequate to meet water demands through water year 2020". However, the study recognizes that there is a sizeable local pumping depression on the Nipomo Mesa that has changed the dynamics of flow between two sub areas (Santa Maria, Nipomo Mesa). The study warns that seawater intrusion could result from this existing pumping depression if water management practices are not changed in the future and this depression continues to grow. Also, due mainly to the absence of current evidence of seawater intrusion, DWR concludes that the basin is not in a state of overdraft. The report does recommend a number of measures to improve monitoring of the basin as well as increase the use of recycled water.

On November 2, 2004, the Board of Supervisors certified RMS Level of Severity 2 for water supply in the Nipomo Mesa area, defined as the area subject to the 2.3% growth limit, as depicted in the Growth Management Ordinance.

The County Flood Control and Water Conservation District will implement improved well monitoring and water quality monitoring programs for this area. Water purveyors in the Nipomo Mesa area are encouraged to strengthen their water conservation programs, increase their use of reclaimed water and continue their efforts to secure supplemental water. Also, building permits must include the full range of water conservation measures, including: low water-use toilets, showerhead, faucets; low water-use clothes washers; automatic shut-off devices for bathroom and kitchen faucets; point-of-use supplemental water heater systems in bathrooms and kitchen, or circulating hot water systems; low water-use landscape; limited landscape areas; limited turf areas; low water-use plant materials; soil moisture sensors; drip irrigation systems; and separate meters for outdoor water use.

The Board of Supervisors also directed staff to process a general plan amendment (planning area standard) that would expand the application of landscape standards in the LUO (Sec. 22.16.020) for projects in the area subject to the 2.3% growth limit. Low water-use landscapes will now be required for all developer-installed landscapes on parcels of 5 acres or less in any land use category. In an effort to monitor the effectiveness of these water conservation measures, each annual update of the Growth Management Ordinance will include data to indicate if the water use rate per dwelling unit is trending downward. If progress toward water conservation targets is not evident, further growth limitations will be recommended.

**Mitigation/Conclusion.** Standard drainage and erosion control measures and preparation of a SWPPP would be required for the proposed project and would provide sufficient measures to adequately protect surface water quality. No additional measures are considered necessary and potential water quality impacts are either insignificant or will be reduced to less than significant levels.

To conserve water, the project will be subject to the County's Title 19 (Building and Construction Ordinance, Sec. 19.20.240) in addition to the measures described above. The ordinance requires the following water-conserving fixtures for domestic use: toilets limited to 1.6 gallons/flush; showerheads and faucets limited to 2.75 gallons/ minute; spas and hot tubs shall use re-circulating systems; and water supply piping shall be installed so each dwelling unit may be served by a separate water meter. Based on implementation of required water conservation measures, water impacts would be reduced to insignificance and no further measures are necessary.

15. LAND USE - Will the project:	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a) <i>Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be potentially inconsistent with any habitat or community conservation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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**15. LAND USE - Will the project:**

Inconsistent      Potentially Inconsistent      Consistent      Not Applicable

d) **Be potentially incompatible with surrounding land uses?**

☐
☐
☒
☐

e) **Other:** \_\_\_\_\_

☐
☐
☐
☐

**Setting/Impact.** Surrounding uses are identified on Page 2 of the Initial Study. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, Local Coastal Plan, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., CDF for Fire Code, APCD for Clean Air Plan, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used).

The project is not within or adjacent to a Habitat Conservation Plan area. The project is consistent or compatible with the surrounding uses as summarized on page 2 of this Initial Study.

**Mitigation/Conclusion.** No inconsistencies were identified and therefore no additional measures above what will already be required was determined necessary.

**16. MANDATORY FINDINGS OF SIGNIFICANCE - Will the project:**

Potentially Significant      Impact can & will be mitigated      Insignificant Impact      Not Applicable

a) **Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?**

☐
☐
☒
☐

b) **Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)**

☐
☒
☐
☐

c) **Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?**

☐
☐
☒
☐

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For further information on CEQA or the county's environmental review process, please visit the County's web site at "[www.sloplanning.org](http://www.sloplanning.org)" under "Environmental Review", or the California Environmental Resources Evaluation System at "[http://ceres.ca.gov/topic/env\\_law/ceqa/guidelines/](http://ceres.ca.gov/topic/env_law/ceqa/guidelines/)" for information about the California Environmental Quality Act.

**Exhibit A - Initial Study References and Agency Contacts**

The County Planning or Environmental Division have contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an ☒) and when a response was made, it is either attached or in the application file:

<u>Contacted</u>	<u>Agency</u>	<u>Response</u>
<input checked="" type="checkbox"/>	County Public Works Department	<b>Attached</b>
<input checked="" type="checkbox"/>	County Environmental Health Division	<b>In File**</b>
<input checked="" type="checkbox"/>	County Agricultural Commissioner's Office	<b>In File**</b>
<input type="checkbox"/>	County Airport Manager	<b>Not Applicable</b>
<input type="checkbox"/>	Airport Land Use Commission	<b>Not Applicable</b>
<input checked="" type="checkbox"/>	Air Pollution Control District	<b>Attached</b>
<input type="checkbox"/>	County Sheriff's Department	<b>Not Applicable</b>
<input checked="" type="checkbox"/>	Regional Water Quality Control Board	<b>None</b>
<input type="checkbox"/>	CA Coastal Commission	<b>Not Applicable</b>
<input type="checkbox"/>	CA Department of Fish and Game	<b>Not Applicable</b>
<input checked="" type="checkbox"/>	CA Department of Forestry	<b>None</b>
<input type="checkbox"/>	CA Department of Transportation	<b>Not Applicable</b>
<input checked="" type="checkbox"/>	Nipomo Community Service District	<b>Attached</b>
<input checked="" type="checkbox"/>	Other <u>CalTrans</u>	<b>Attached</b>
<input checked="" type="checkbox"/>	Other <u>Nipomo Community Advisory Council</u>	<b>None</b>

**\*\* "No comment" or "No concerns"-type responses are usually not attached**

The following checked ("☒") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

<input checked="" type="checkbox"/> Project File for the Subject Application	<input checked="" type="checkbox"/> South County (Inland) Area Plan and Update EIR
<u>County documents</u>	<input type="checkbox"/> Circulation Study
<input type="checkbox"/> Airport Land Use Plans	<u>Other documents</u>
<input checked="" type="checkbox"/> Annual Resource Summary Report	<input checked="" type="checkbox"/> Archaeological Resources Map
<input type="checkbox"/> Building and Construction Ordinance	<input checked="" type="checkbox"/> Area of Critical Concerns Map
<input type="checkbox"/> Coastal Policies	<input checked="" type="checkbox"/> Areas of Special Biological Importance Map
<input checked="" type="checkbox"/> Framework for Planning (Coastal & Inland)	<input checked="" type="checkbox"/> California Natural Species Diversity Database
<input checked="" type="checkbox"/> General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include:	<input checked="" type="checkbox"/> Clean Air Plan
<input checked="" type="checkbox"/> Agriculture & Open Space Element	<input checked="" type="checkbox"/> Fire Hazard Severity Map
<input checked="" type="checkbox"/> Energy Element	<input checked="" type="checkbox"/> Flood Hazard Maps
<input checked="" type="checkbox"/> Environment Plan (Conservation, Historic and Esthetic Elements)	<input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County
<input checked="" type="checkbox"/> Housing Element	<input checked="" type="checkbox"/> Regional Transportation Plan
<input checked="" type="checkbox"/> Noise Element	<input checked="" type="checkbox"/> Uniform Fire Code
<input type="checkbox"/> Parks & Recreation Element	<input checked="" type="checkbox"/> Water Quality Control Plan (Central Coast Basin – Region 3)
<input checked="" type="checkbox"/> Safety Element	<input checked="" type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.)
<input checked="" type="checkbox"/> Land Use Ordinance	<input type="checkbox"/> Other _____
<input type="checkbox"/> Real Property Division Ordinance	
<input checked="" type="checkbox"/> Trails Plan	
<input type="checkbox"/> Solid Waste Management Plan	



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In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

**Cultural Resources Survey; C.A. Singer and Associates; September 21, 2005**

**Historic Structures Assessment; CRMS; January 12, 2006**

**Vernal Pool Site Assessment; Althouse and Meade, Inc; December 12, 2005**

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## Exhibit B - Mitigation Summary Table

### AIR QUALITY

- AQ-1 Prior to issuance of grading and construction permits,** the applicant shall submit the results of a geologic evaluation conducted to determine if naturally occurring asbestos is present within the area proposed for disturbance. If naturally occurring asbestos is not present, an exemption request shall be filed with the APCD. If naturally occurring asbestos is present, the applicant shall comply with all requirements outlined in the Asbestos Air Toxics Control Measure (ATCM). Compliance may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for APCD approval.
- AQ-2** If utility pipelines are scheduled for removal or relocation; or building(s) are removed or renovated this project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M – asbestos NESHAP).
- AQ-3** In the event no technically feasible alternatives are available other than developmental burning, the applicant shall contact the APCD and California Department of Forestry to obtain a burn permit and comply with permit requirements.
- AQ-4 Prior to issuance of grading and construction permits,** the applicant shall submit verification from APCD that the following measures have been incorporated into the project to control dust:
- Reduce the amount of the disturbed area where possible;
  - Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
  - All dirt stock-pile areas should be sprayed daily as needed; and
  - All roadways, driveways, sidewalks, etc to be paved should be completed as soon as possible, and building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- AQ-5** Only APCD approved wood burning devices can be installed in new dwelling units.

### GEOLOGY AND SOILS

- GS-1 Prior to issuance of construction or grading permits,** the applicant shall submit a copy of the approved Stormwater Pollution Prevention Plan (SWPPP).

### TRAFFIC

- T-1 Prior to issuance of construction permits,** the applicant shall pay applicable South County Road Improvement fees.
- T-2 Prior to final inspection,** the applicant agrees to construct road improvements as required by the Department of Public Works (Extend Spruce Lane across project for ultimate connection with Hill Street and make provisions for the extension of Tanis Lane into Spruce/Hill extension and construct Tanis within project. Extend Bristlecone Lane across project for ultimate connection with Kelly Court. Hill Street and Kelly Court were extended as part of the Nipomo Apartment complex development fronting Blume Street.). Utilities shall be underground. Drainage plan will be included with improvement plans when submitted for review.

**WATER**

- W-1 Prior to issuance of building permits**, construction plans shall include indoor water conservation measures including: low water-use toilets, showerheads, and faucets; automatic shut-off devices for bathroom and kitchen faucets; and point-of-use supplemental water heater systems or circulating hot water systems in bathrooms and kitchen. Landscape plans for the proposed parcels must include outdoor conservation measures including: limited landscape area, low water-use plant materials, limited turf area, soil moisture sensors, and drip irrigation systems.
- W-2 Prior to final inspection**, for structures where the pipe from the hot water heater to any faucet is greater than 20 feet in length, apply one or more of the following: 1) install a hot water pipe circulating system for entire structure; 2) install “point-of-use” water heater “boosters” near all hot water faucets (that are greater than 20 linear pipe feet from water heater), or 3) use the narrowest pipe possible (e.g., from 1" to ½" diameter). Prior to permit issuance, the measure(s) to be used shall be shown on all applicable plumbing plans.
- W-3 Prior to issuance of building permits**, the applicant shall submit a final “will-serve” letter from the Nipomo Community Services District to the Environmental Health Division

**DEVELOPER'S STATEMENT FOR THE  
GLOBAL PREMIER CONDITIONAL USE PERMIT DRC2005-00011**

The applicant agrees to incorporate the following measures into the project. These measures become a part to the project description and therefore become a part of the record of action upon which the environmental determination is based. All construction/grading activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

**Note:** The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.

**AIR QUALITY**

**AQ-1 Prior to issuance of grading and construction permits,** the applicant shall submit the results of a geologic evaluation conducted to determine if naturally occurring asbestos is present within the area proposed for disturbance. If naturally occurring asbestos is not present, an exemption request shall be filed with the APCD. If naturally occurring asbestos is present, the applicant shall comply with all requirements outlined in the Asbestos Air Toxics Control Measure (ATCM). Compliance may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for APCD approval.

**Monitoring:** The Planning and Building Department, in consultation with the County Air Pollution Control District, shall verify compliance.

**AQ-2** If utility pipelines are scheduled for removal or relocation; or building(s) are removed or renovated this project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M – asbestos NESHP).

**Monitoring:** The Planning and Building Department, in consultation with the County Air Pollution Control District, shall verify compliance.

**AQ-3** In the event no technically feasible alternatives are available other than developmental burning, the applicant shall contact the APCD and California Department of Forestry to obtain a burn permit and comply with permit requirements.

**Monitoring:** The Planning and Building Department, in consultation with the County Air Pollution Control District and CDF, shall verify compliance.

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**AQ-4 Prior to issuance of grading and construction permits,** the applicant shall submit verification from APCD that the following measures have been incorporated into the project to control dust:

- Reduce the amount of the disturbed area where possible;
- Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
- All dirt stock-pile areas should be sprayed daily as needed; and
- All roadways, driveways, sidewalks, etc to be paved should be completed as soon as possible, and building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

**Monitoring:** The Planning and Building Department, in consultation with the County Air Pollution Control District, shall verify compliance.

**AQ-5** Only APCD approved wood burning devices can be installed in new dwelling units.

**Monitoring:** The Planning and Building Department, in consultation with the County Air Pollution Control District, shall verify compliance.

## **GEOLOGY AND SOILS**

**GS-1 Prior to issuance of construction or grading permits,** the applicant shall submit a copy of the approved Stormwater Pollution Prevention Plan (SWPPP).

**Monitoring:** The Planning and Building Department shall verify compliance.

## **TRAFFIC**

**T-1 Prior to issuance of construction permits,** the applicant shall pay applicable South County Road Improvement fees.

**Monitoring:** The Planning and Building Department shall verify compliance.

**T-2 Prior to final inspection,** the applicant agrees to construct road improvements as required by the Department of Public Works (Extend Spruce Lane across project for ultimate connection with Hill Street and make provisions for the extension of Tanis Lane into Spruce/Hill extension and construct Tanis within project. Extend Bristlecone Lane across project for ultimate connection with Kelly Court. Hill Street and Kelly Court were extended as part of the Nipomo Apartment complex development fronting Blume Street.). Utilities shall be underground. Drainage plan will be included with improvement plans when submitted for review.

**Monitoring:** The Planning and Building Department shall verify compliance.

## **WATER**

- W-1 Prior to issuance of building permits,** construction plans shall include indoor water conservation measures including: low water-use toilets, showerheads, and faucets; automatic shut-off devices for bathroom and kitchen faucets; and point-of-use supplemental water heater systems or circulating hot water systems in bathrooms and kitchen. Landscape plans for the proposed parcels must include outdoor conservation measures including: limited landscape area, low water-use plant materials, limited turf area, soil moisture sensors, and drip irrigation systems.

**Monitoring:** The Planning and Building Department shall verify compliance.

- W-2 Prior to final inspection,** for structures where the pipe from the hot water heater to any faucet is greater than 20 feet in length, apply one or more of the following: 1) install a hot water pipe circulating system for entire structure; 2) install "point-of-use" water heater "boosters" near all hot water faucets (that are greater than 20 linear pipe feet from water heater), or 3) use the narrowest pipe possible (e.g., from 1" to ½" diameter). Prior to permit issuance, the measure(s) to be used shall be shown on all applicable plumbing plans.

**Monitoring:** The Planning and Building Department shall verify compliance.

- W-3 Prior to issuance of building permits,** the applicant shall submit a final "will-serve" letter from the Nipomo Community Services District to the Environmental Health Division

**Monitoring:** The Planning and Building Department shall verify compliance.

*The applicant understands that any changes made to the project subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.*

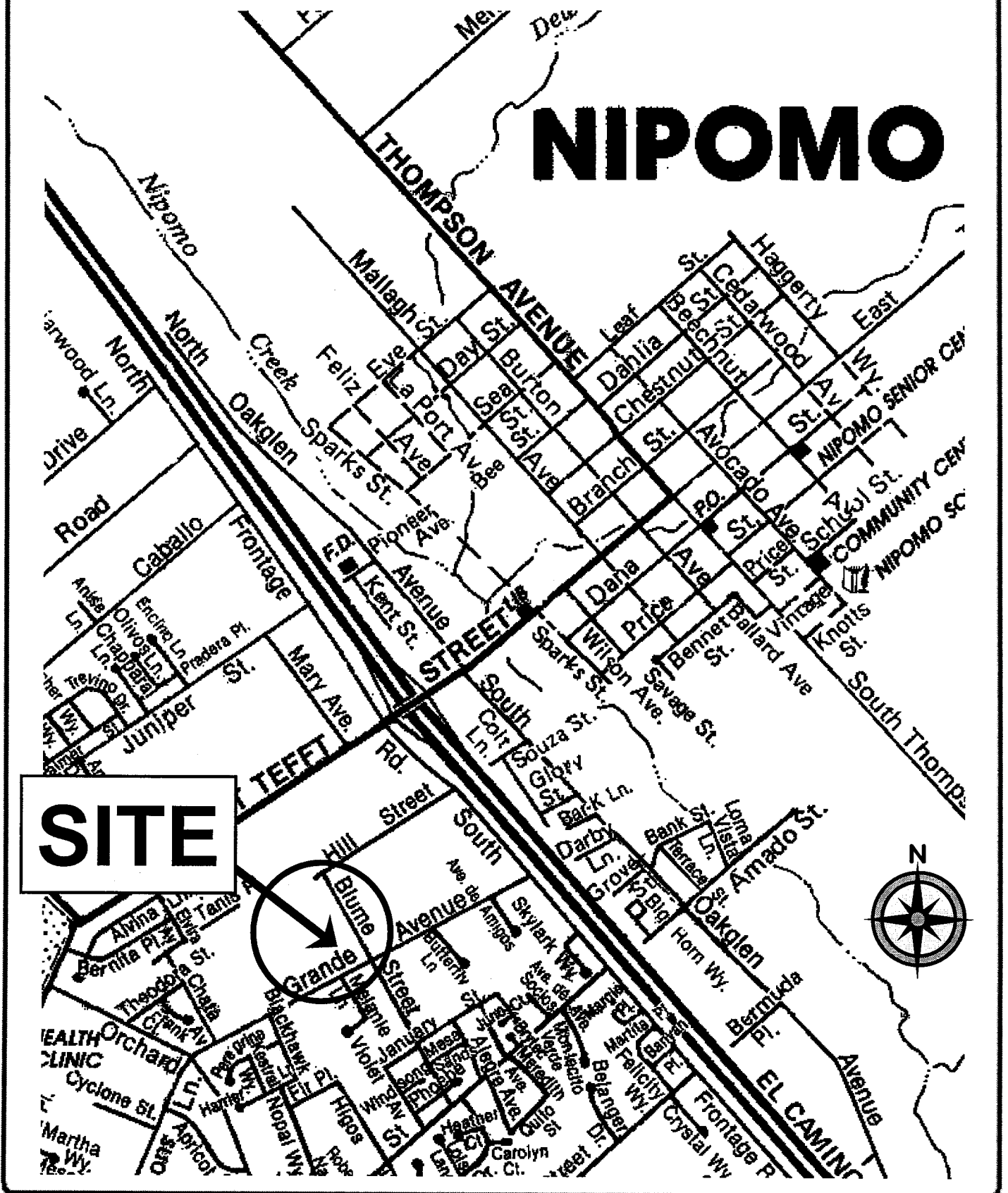
Randy Chenier  
Signature of Owner(s)

3/16/06  
Date

RANDY CHENIER  
Name (Print)

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# NIPOMO



**SITE**

**PROJECT**

Conditional Use Permit  
Global Premier DRC2005-00011

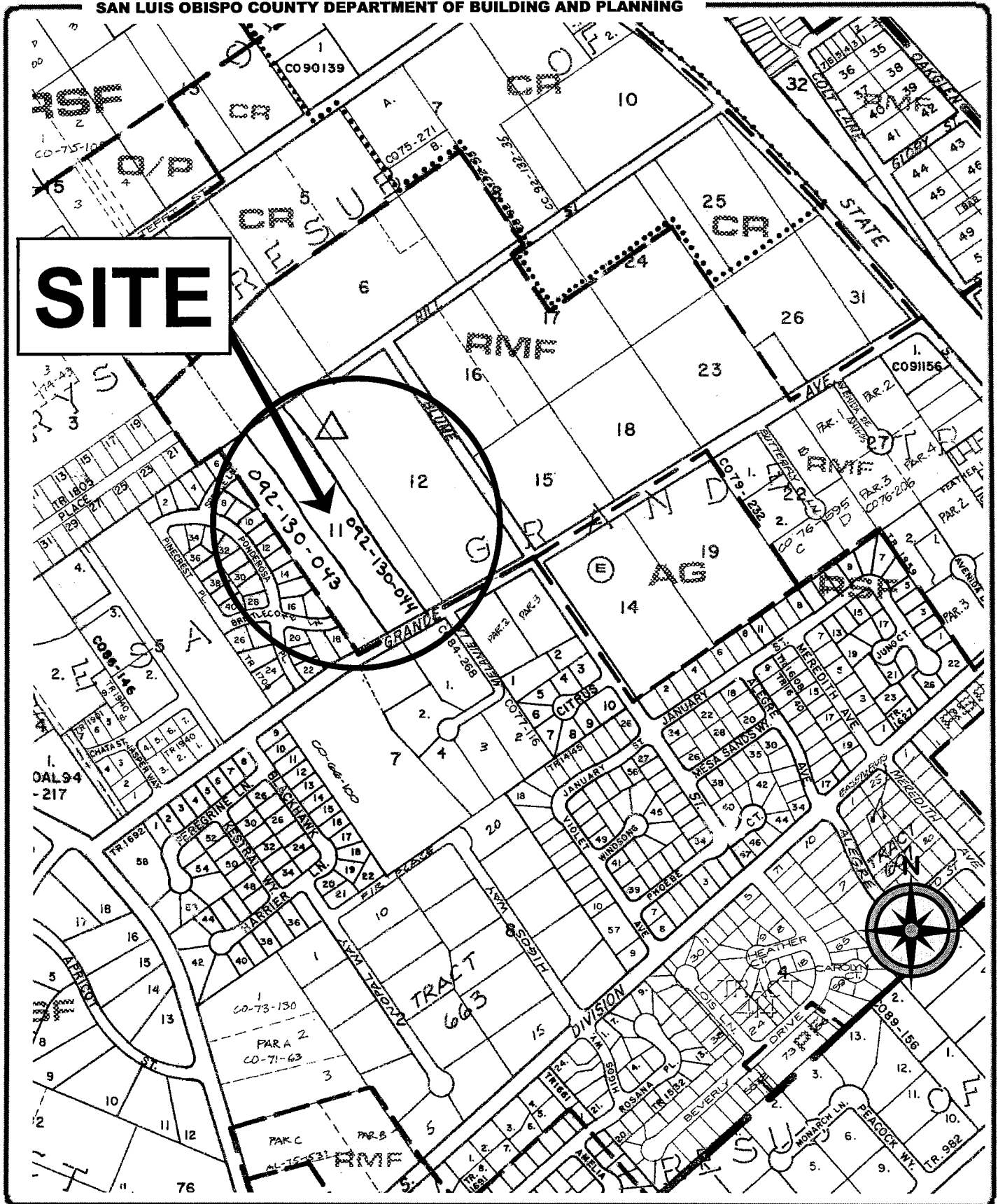


**EXHIBIT**

Nipomo Vicinity

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SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

Conditional Use Permit  
Global Premier DRC2005-00011



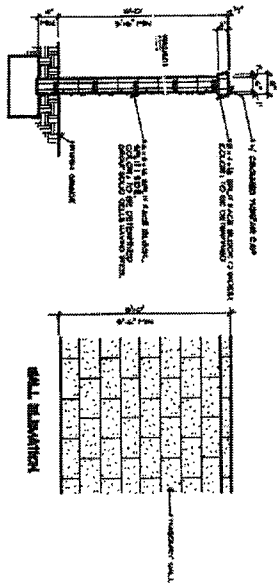
EXHIBIT

Land Use Category

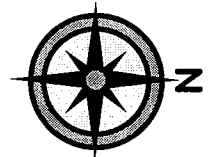
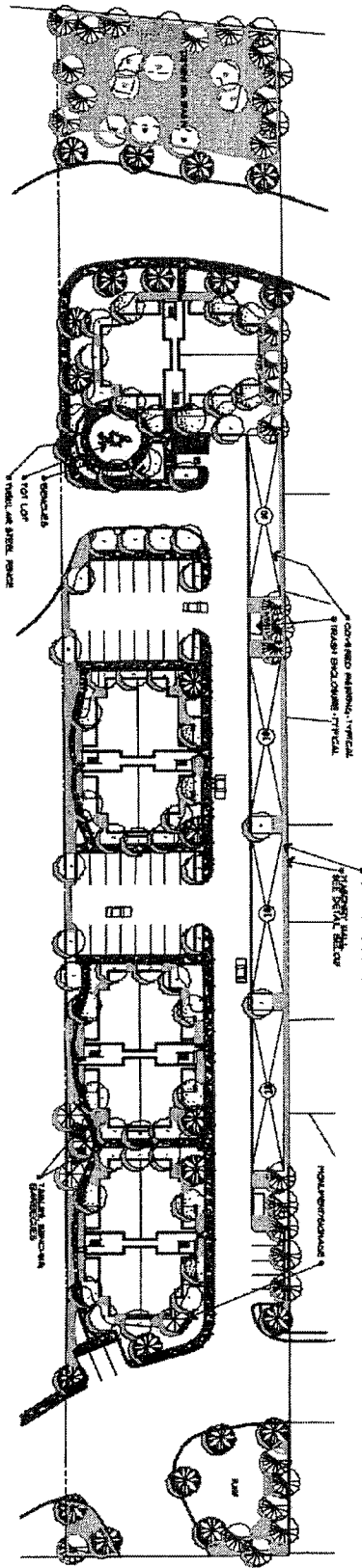


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SECTION 11111



- 1. 1/2" CONC. SLAB ON GRADE
- 2. 1/2" CONC. SLAB ON GRADE
- 3. 1/2" CONC. SLAB ON GRADE
- 4. 1/2" CONC. SLAB ON GRADE
- 5. 1/2" CONC. SLAB ON GRADE
- 6. 1/2" CONC. SLAB ON GRADE
- 7. 1/2" CONC. SLAB ON GRADE
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PROJECT

Conditional Use Permit  
Global Premier DRC2005-00011

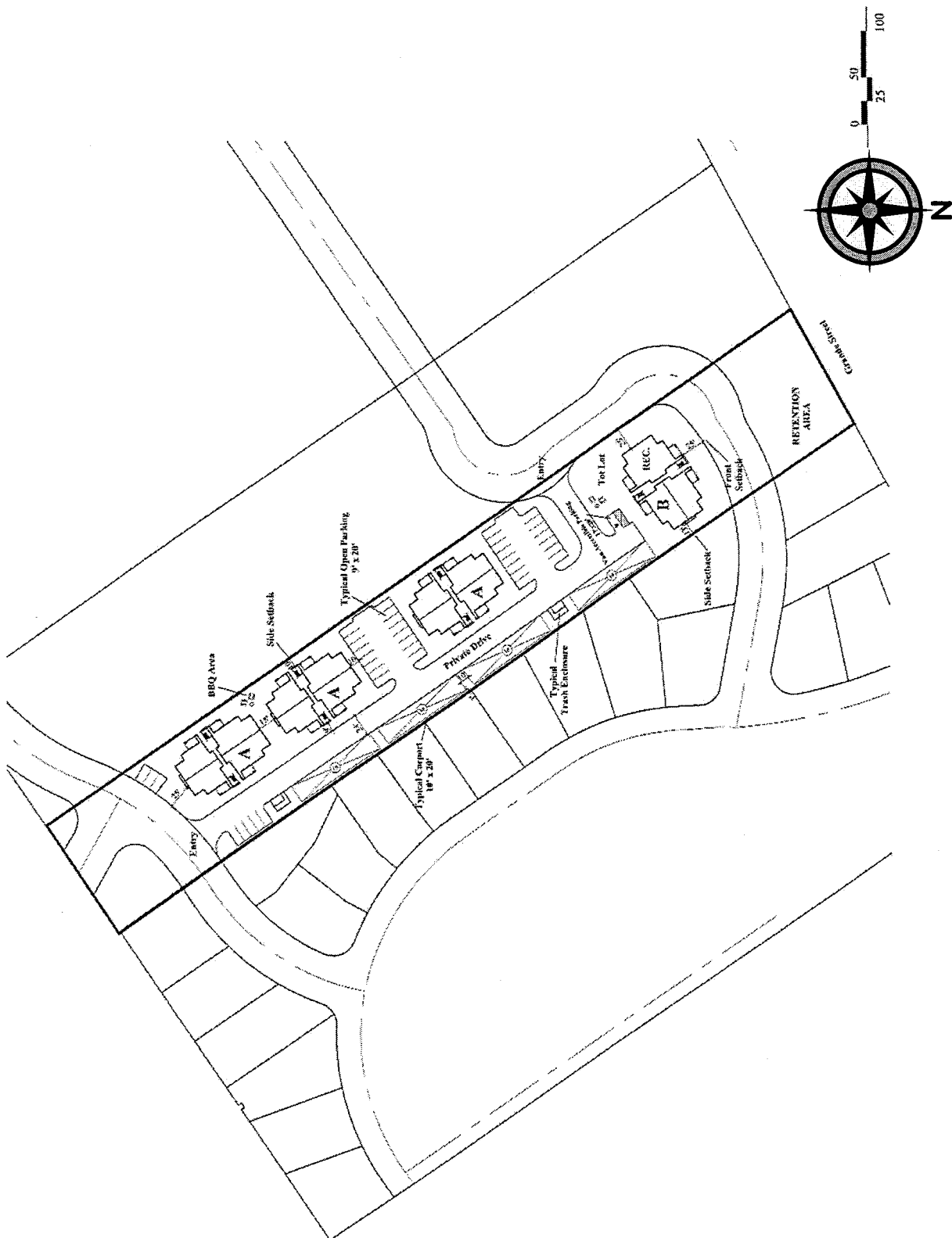


EXHIBIT

Landscape Plan

3-50

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

Conditional Use Permit  
Global Premier DRC2005-00011

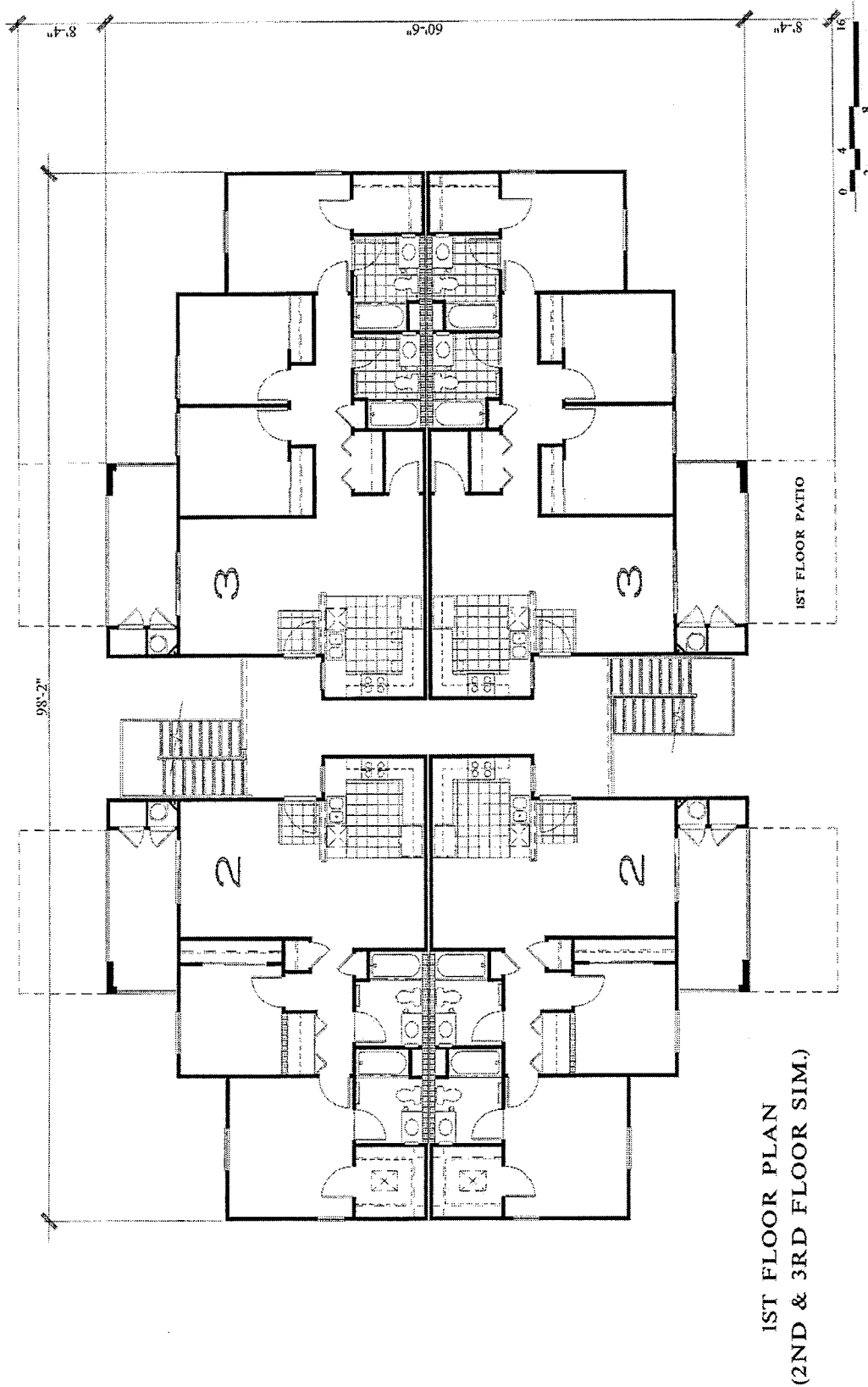


EXHIBIT

Site Plan

3-51

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

Conditional Use Permit  
Global Premier DRC2005-00011

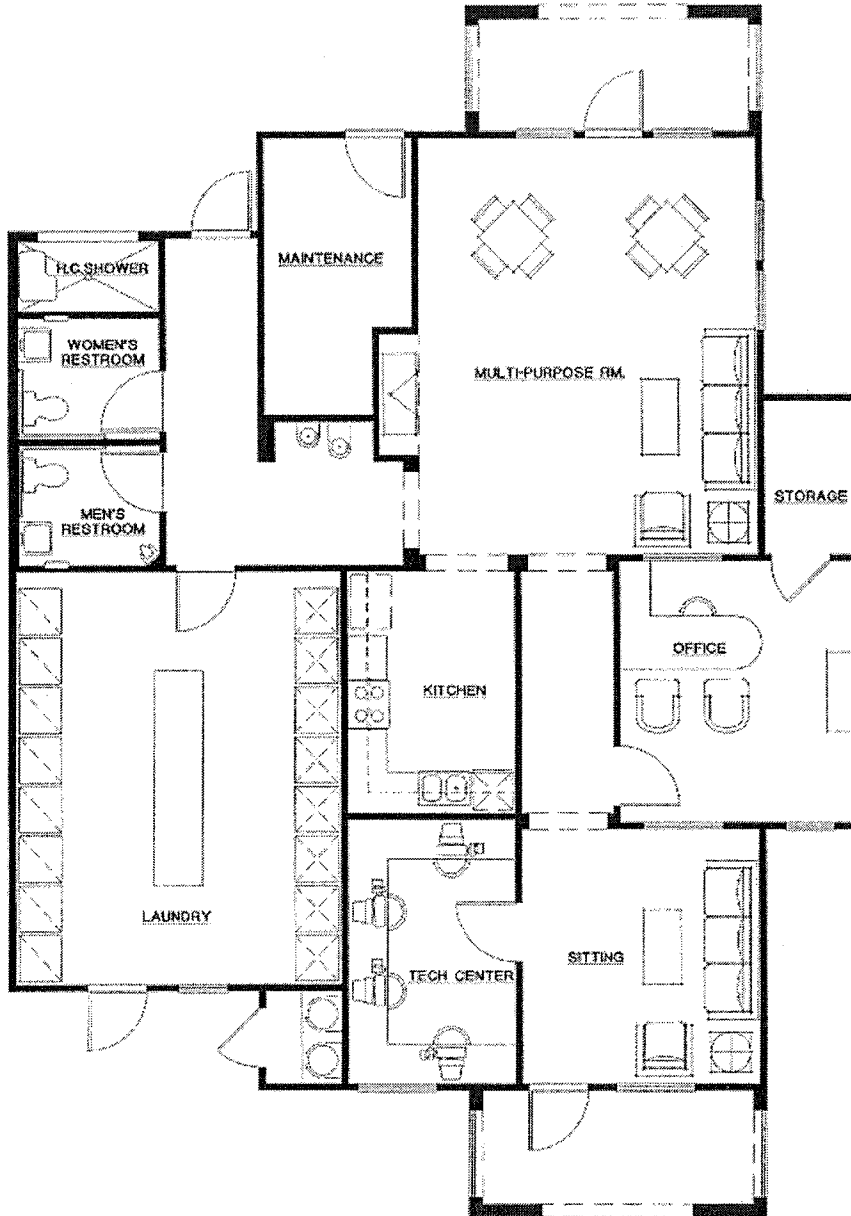


EXHIBIT

Unit Floor Plan

3-57

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

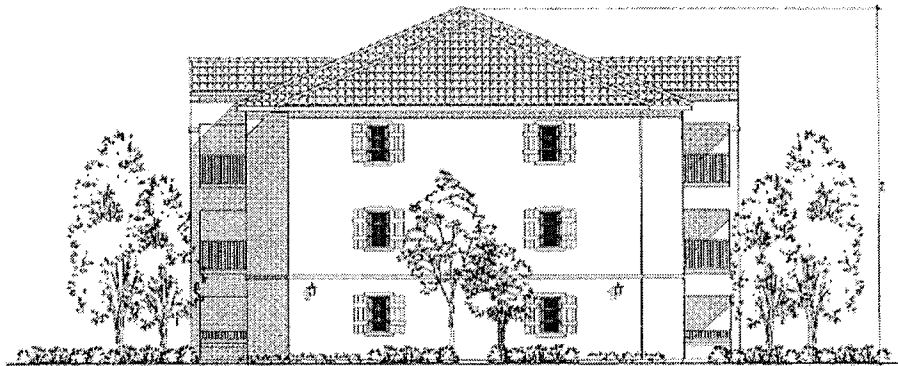
Conditional Use Permit  
Global Premier DRC2005-00011



EXHIBIT

Recreation Facility Floor Plan

3-53



SIDE ELEVATION



FRONT AND REAR ELEVATION

**PROJECT**

Conditional Use Permit  
Global Premier DRC2005-00011



**EXHIBIT**

Elevation

# NIPOMO COMMUNITY

## BOARD MEMBERS

LARRY VIERHEILIG, PRESIDENT  
ED EBY, VICE PRESIDENT  
JUDITH WIRSING, DIRECTOR  
CLIFFORD TROTTER, DIRECTOR  
MICHAEL WINN, DIRECTOR



# SERVICES DISTRICT

## STAFF

MICHAEL LeBRUN, GENERAL MANAGER  
LISA BOGNUDA, ASSISTANT ADMINISTRATOR  
DAN MIGLIAZZO, UTILITY SUPERVISOR  
JON SEITZ, GENERAL COUNSEL

---

148 SOUTH WILSON STREET POST OFFICE BOX 326 NIPOMO, CA 93444 - 0326  
(805) 929-1133 FAX (805) 929-1932 Website address: NipomoCSD.com

---

October 27, 2005

EG and Opal Pearson  
559 33<sup>rd</sup> St.  
Manhattan Beach, CA 90266

*This is not a Will-Serve Letter*

SUBJECT: INTENT-TO-SERVE WATER AND SEWER SERVICE  
APN 092-130-043, GRANDE STREET, NIPOMO (PEARSON )  
40-UNIT MULTI-FAMILY/LOW INCOME DEVELOPMENT

An Intent-to-Serve (ITS) letter for water and sewer service for APN 092-130-043, a 40-unit multi-family/low income development on Grande Street in Nipomo is granted from the Nipomo Community Services District (District) with the following conditions:

- Will-Serve letters for the project will be issued in "phases" as follows:
  - No more than fifteen units (2.7 acre-feet) prior to September 30, 2006;
  - No more than thirty units (5.4 acre-feet), cumulative, prior to September 30, 2007;
  - Full allocation, forty units (7.2 Acre-feet), cumulative, available on or after October 1, 2007.
- This allocation schedule assumes all units of the project meet County criteria for Low Income. The project's allocation will be reduced accordingly if all or parts of the project do not meet the County criteria. The applicant will be required to provide proof of Low Income criteria being met prior to the issuance of Will-Serve letter(s).
- Water service for the entire project shall be served by a single master-meter for indoor uses and separate meter(s) for landscape areas.
- On-site fire service (e.g. fire sprinklers) requires a dedicated service lateral. CDF of SLO County must approve the development plans prior to District approval. Fire capacity charges may be applicable.
- Provide the District with a copy of County application approval and County project conditions of approval. (See expiration conditions below)
- Enter into a Plan Check and Inspection Agreement; provide a deposit.
- Submit improvement plans in accordance with the District Standards and Specifications for review and approval. A sewer and water master plan review of project impacts, at the applicant's expense, may be required by the District project design review engineer.
- Project landscape plan shall incorporate best management water conservation measures and be approved by the District General Manager.
- Easements required for water and sewer improvements, which will be dedicated to the District, shall be offered to the District prior to final improvement plan approval.
- A Will-Serve letter for the project will be issued after improvement plans are approved and signed by General Manager.

- 3-55
- Make a non-refundable deposit ("Deposit") at the time the District issues a Will-Serve Letter in an amount equal to the then calculated Fees for Connection.
  - Fees for Connection shall be calculated and owing as of the date the District sets the water meter(s) to serve the affected property from which the amount of the Deposit shall be deducted.
  - For improvements that will be dedicated to the District, submit the following:
    - Reproducible "As Builts" - A mylar copy and digital format disk (Auto Cad) which includes engineer, developer, tract number and water and sewer improvements
    - Offer of Dedication
    - Engineer's Certification
    - A summary of improvement costs
  - The District will set water meter(s) upon proof of a building permit from the County of San Luis Obispo and that the District has accepted improvements to be dedicated to the District, if applicable.
  - This letter is void if land use is other than multi-family.
  - Intent-to-Serve letters shall automatically terminate on the first to occur:
    - Failure of the applicant to provide District with written verification that County application for the project has been deemed complete within two hundred forty (240) calendar days of the date the Intent-to-Serve Letter is issued; or
    - Two (2) years. However, applicant shall be entitled to a one-year extension upon proof of reasonable due diligence in processing the project.

This Intent-to-Serve letter shall be subject to the current and future rules, agreements, regulations, fees, resolutions and ordinances of the District.

This Intent-to-Serve letter may be revoked, or amended, as a result of conditions imposed upon the District by a court or availability of resources, or by a change in ordinance, resolution, rules, fees or regulations adopted by the Board of Directors.

Sincerely,

NIPOMO COMMUNITY SERVICES DISTRICT

*Michael LeBrun*

Michael LeBrun  
General Manager

c:  
Stephen Glover  
Global Premier Development, Inc.  
5 Park Plaza, Ste. 980  
Irvine, CA 92614

*This is not a Will-Serve Letter*

MLN

3-56

7



# SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

JUL 29 2005

VICTOR HOLANDA, AICP  
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE:

7/29/05

FROM

PW

Pearson EG

FROM

South Co. Team

(Please direct response to the above)

DRC 2005-00011

Project Name and Number

Development Review Section (Phone:

788-2009

\*OR ASK THE SWITCH-  
BOARD FOR THE PLANNER

PROJECT DESCRIPTION:

Conditional Use Permit 40 units:  
(20) 2 bedroom, 908 sq. ft. units & (20) 3 bedroom,  
1058 sq. ft. units. Project located on 3 acres off Grande  
St. in Nipomo. APN- 092-130-043.

Return this letter with your comments attached no later than:

8/11/05

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒ YES  
☐ NO
PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒ NO  
☐ YES

(Please go on to Part III)

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE

SEE COMMENTS ON ATTACHED COPY OF E-MAIL FROM DALE RAMEY. Hill St and Kelly Ct show as future collectors on Nipomo Circulation Map (ATTACHED), connection to SPUR 4 BUNTING CREEK SHOW AS POSSIBLE/DESIRABLE ON PHOTOMAPPER. I'm not sure what he is referring to for TAVIS PL UNLESS IT IS THE N-S CONNECTION THRU THE PROJECT - THIS SHOULD BE REDESIGNED, PAYING ATTENTION TO NEIGHBORHOOD CIRCULATION. ALSO

13 SEP 2005  
DateGOODWIN  
Name5252  
PhoneSEE WES  
TEFF  
Circulation  
study



3-57



Dale Ramey

08/24/2005 10:02 AM

To: Mike Goodwin/PubWorks/COSLO@Wings  
cc: Dave Flynn/PubWorks/COSLO@Wings  
Subject: Re: Planning referrals

Mike,

1. **CUP to allow a 71 unit motel by Marinai on Hill Street west of Frontage Rd, behind King Comm. Center, Nipomo.**

**Install Frontage Improvements on Hill Street; 46' pavement section.**

**Due to existing congestion in the southwest quadrant of the Tefft Street Interchange, Transportation cannot support the project until a funding mechanism is developed to construct the proposed Tefft St / Hwy 101 Interchange Operational Improvements.**

2. **CUP to allow a 40 unit RMF development at 764 Grande, west of Blume Street by Pearson/Global Dev, Nipomo.**

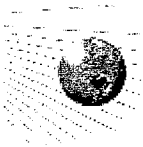
**Install Frontage Improvements on Grande; 40' pavement section. Extend Spruce Lane across project for ultimate connection with Hill Street and make provisions for the extension of Tanis Lane into Spruce/Hill extension and construct Tanis within project. Extend Bristle-Cone Lane across project for ultimate connection with Kelly Court. Hill Street and Kelly Court were extended as part of the Nipomo Apartment Complex development fronting Blume Street.**

**Due to existing congestion in the southwest quadrant of the Tefft Street Interchange, Transportation cannot support the project until a funding mechanism is developed to construct the proposed Tefft St / Hwy 101 Interchange Operational Improvements.**

Dale Ramey  
Transportation Project Manager  
(805) 788-2931

The contents of this communication are intended only for the addressee and may contain confidential and/or privileged material. If you are not the intended recipient, please do not read, copy, use or disclose this communication and notify the sender. Opinions, conclusions and other information in this communication that do not relate to the official business of my organization shall be understood as neither given nor endorsed by it.

Mike Goodwin



Mike Goodwin

08/04/2005 02:47 PM

To: Dale Ramey/PubWorks/COSLO@Wings, Dan  
Erdman/PubWorks/COSLO@Wings, Dan  
Manion/PubWorks/COSLO@Wings, Dave  
Flynn/PubWorks/COSLO@Wings, Dave  
O'Halloran/PubWorks/COSLO@Wings, Dean  
Benedix/PubWorks/COSLO@Wings, Douglas  
Bird/PubWorks/COSLO@Wings, Frank



AIR POLLUTION  
CONTROL DISTRICT  
COUNTY OF SAN LUIS OBISPO

3-58 MLN

September 21, 2005

South County Team  
County Of San Luis Obispo Dept. of Planning and Building  
County Government Center  
San Luis Obispo CA 93401

SUBJECT: Response to Project Referral Regarding the Pearson Conditional Use Permit.  
(Agency Project # DRC 2005-00011)

Dear South County Team,

Thank you for including the APCD in the environmental review process. We have completed our review of the proposed project located at 764 Grande Ave in Nipomo. The project involves the development of a 3 acre site with a two-story, 40 unit apartment complex, "Cider Village Family Apartments". The complex will consist of 20 two-bedroom units at 908 sq. ft. each and 20 three-bedroom units at 1,058 sq. ft. each. The following are APCD comments that are pertinent to this project.

GENERAL COMMENTS

As a commenting agency in the California Environmental Quality Act (CEQA) review process for a project, the APCD assesses air pollution impacts from both the construction and operational phases of a project, with separate significant thresholds for each. **Please address the action items contained in this letter that are highlighted by bold and underlined text.**

Infill within City Limits & URL

Allowing for infill within the Urban Reserve Line is consistent with the land use goals and policies of the Clean Air Plan. District staff would encourage increasing the density of any future development to the extent allowed by the zoning requirements. Increasing density can reduce trips and travel distances and encourage the use of alternative forms of transportation.

We would like to commend the applicant on several elements of the project design:

1. The project provides development within the city limits with nearby access to commercial services and transit service, which will reduce dependence on driving;
2. The project provides development within the URL where such development is planned for and expected;
3. The proposed residential buildings are two stories, resulting in a greater floor to area ratio. This creates a higher density land use, making transit services more viable and effective;
4. An important part of the development review process is a consistency analysis with the District's Clean Air Plan (CAP). The CAP was developed to address issues that contribute to poor air quality in our area, and to identify strategies to reduce those impacts; this includes land use policies designed to reduce reliance on the automobile, such as compact, infill and mixed-use development. The proposed multi-family residential project is consistent with the

3-59

- surrounding land uses and provides development where such development is planned and expected. The proposed project has been determined to be consistent with the CAP; and,
5. Lastly, the APCD would like to commend the project proponent on selecting a building construction designed to utilize materials that will increase energy efficiency above the Title 24 energy standards.

## **CONSTRUCTION PHASE MITIGATION**

### **Demolition Activities**

The project referral did not indicate whether existing structures on the proposed site will be demolished or removed without demolition. Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, demolition, and disposal of asbestos containing material (ACM). Asbestos containing materials could be encountered during demolition or remodeling of existing buildings. Asbestos can also be found in utility pipes/pipelines (transite pipes or insulation on pipes). **If utility pipelines are scheduled for removal or relocation; or building(s) are removed or renovated this project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHA).** These requirements include but are not limited to: 1) notification requirements to the District, 2) asbestos survey conducted by a Certified Asbestos Inspector, and, 3) applicable removal and disposal requirements of identified ACM. Please contact Tim Fuhs of the Enforcement Division at 781-5912 for further information.

### **Developmental Burning**

Effective February 25, 2000, **the APCD prohibited developmental burning of vegetative material within San Luis Obispo County.** Under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. This requires prior application, payment of fee based on the size of the project, APCD approval, and issuance of a burn permit by the APCD and the local fire department authority. The applicant is required to furnish the APCD with the study of technical feasibility (which includes costs and other constraints) at the time of application. If you have any questions regarding these requirements, contact Karen Brooks of our Enforcement Division at 781-5912.

### **Dust Control Measures**

The project as described in the referral will not likely exceed the APCD's CEQA significance threshold for construction phase emissions. However, construction activities can generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site. Dust complaints could result in a violation of the District's 402 "Nuisance" Rule. **APCD staff recommend the following measures be incorporated into the project to control dust:**

- Reduce the amount of the disturbed area where possible;
- Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;

3-60

- All dirt stock-pile areas should be sprayed daily as needed; and
- All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible, and building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

#### Naturally Occurring Asbestos

The project site is located in a candidate area for Naturally Occurring Asbestos (NOA), which has been identified as a toxic air contaminant by the California Air Resources Board (ARB). Under the ARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, **prior to any grading activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the District (see Attachment 1). If NOA is found at the site the applicant must comply with all requirements outlined in the Asbestos ATCM.** This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD. Please refer to the APCD web page at <http://www.slocleanair.org/business/asbestos.asp> for more information or contact Tim Fuhs of our Enforcement Division at 781-5912.

#### Construction Permit Requirements

Based on the information provided, we are unsure of the types of equipment that may be present during the project's construction phase. Portable equipment, 50 horsepower (hp) or greater, used during construction activities may require California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to page A-5 in the District's CEQA Handbook.

- Power screens, conveyors, diesel engines, and/or crushers;
- Portable generators (50 hp or greater); and
- IC engines.

To minimize potential delays, prior to the start of the project, please contact David Dixon of the District's Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.

### **OPERATIONAL PHASE MITIGATION**

#### Residential Wood Combustion

Under APCD Rule 504, **only APCD approved wood burning devices can be installed in new dwelling units.** These devices include:

- All EPA-Certified Phase II wood burning devices;
- Catalytic wood burning devices which emit less than or equal to 4.1 grams per hour of particulate matter which are not EPA-Certified but have been verified by a nationally-recognized testing lab;
- Non-catalytic wood burning devices which emit less than or equal to 7.5 grams per hour of particulate matter which are not EPA-Certified but have been verified by a nationally-

September 21, 2005

Page 4 of 4

3-61

recognized testing lab;

- Pellet-fueled woodheaters; and
- Dedicated gas-fired fireplaces.

If you have any questions about approved wood burning devices, please contact Tim Fuhs of our Enforcement Division at 781-5912.

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, or if you would like to receive an electronic version of this letter, feel free to contact me at 781-5912.

Sincerely,



Alexander Bugrov  
Air Quality Specialist

AAB/sll

cc: Tim Fuhs, Enforcement Division, APCD  
David Dixon, Engineering Division, APCD  
Karen Brooks, Enforcement Division, APCD  
Mr. & Mrs. E.G. and Opal Pearson, Landowner

Attachments:

1. Naturally Occurring Asbestos Construction & Grading Project - Exemption Request Form.

## DEPARTMENT OF TRANSPORTATION

50 HIGUERA STREET  
SAN LUIS OBISPO, CA 93401-5415  
PHONE (805) 549-3111  
FAX (805) 549-3329  
TDD (805) 549-3259  
<http://www.dot.gov/dist05>



*Flex your power!  
Be energy efficient!*

September 15, 2005

SLO – 101 PM 4.85

New Project Referral  
DRC 2005-00011

South County Team  
San Luis Obispo County  
Department of Planning & Building  
County Government Center  
San Luis Obispo, CA 93408

Dear South County Team;

RE: Pearson 40 Unit Residential Development – Minor Use Permit, APN  
092-130-043

The California Department of Transportation (Department) has reviewed the above referenced project and as a result the following comments were generated.

Due to the continuing need to address private development-generated traffic impacts on the Nipomo Mesa in general, and nearby the U.S. Route 101/Teft Street Interchange (I/C) specifically, The Department strongly advocates the collection of a surcharge to the existing traffic impact fees from development, including the proposed Pearson Development and others in and around the vicinity of the I/C.

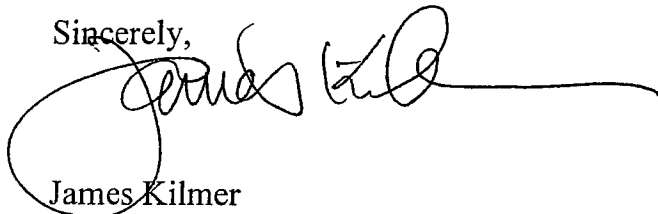
Currently, The County and The Department are collaborating on producing a Project Study Report (The PSR is an engineering study that documents initial agreement on scope, schedule and cost) for the improvements involving the southbound on-ramp at the 101/Teft Street I/C & Hill Street Extension. The collection of a local traffic impact fee surcharge in the area would insure that timely funding for the ultimate construction of the South Bound Ramp Improvement Project would be forth coming from the very source that is creating the need for the improvements, namely, development. The Department supports and commends any and all County efforts to initiate and implement such a revenue enhancement plan from development contributions.

RECEIVED  
SEP 20 2005  
Planning & Bldg

3-63

Thank you for the opportunity to comment on the Pearson Conditional Use Permit – New Project Referral, If you have any questions, please contact me at 549-3683.

Sincerely,

A handwritten signature in black ink, appearing to read "James Kilmer", with a long horizontal flourish extending to the right.

James Kilmer  
District 5  
Development Review/CEQA Coordination

c: File, D. Murray, R. Barnes, T. Houston, D Ramey – SLO County Public Works

